SENATE—*Thursday, May 4, 1972*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend Dr. Karl B. Justus, executive director, Military Chaplains Association of the United States, Washington, D.C., offered the following prayer:

Almighty and Eternal God, whose compassion extends to all men without favor, as these distinguished Senators convene today may each place his mind, his heart, and hands, in the hands of the Galilean who calmed the troubled sea.

Confronted at home as we are with domestic problems, continuing division and distrust, protest and oft-unreasoned dissent; still faced with a raging conflict afar from which we seek to disengage, but with dignity, justice, honor, and self-respect; wilt Thou, O Lord, grant us wisdom and courage for this day and age.

Bless President Nixon. Give him vision, fortitude, and faith, ever remembering that "God is our refuge and strength, a very present help in trouble."

In this year when men of dreams and desires tread the political hustings, may there be dialog as well as debate, with truth and integrity, mindful that regardless of party differences, first, last, and always, our loyalties must be to America and its heritage of faith and freedom under God, even as this was true of J. Edgar Hoover, that stalwart warrior of law and order, who is being laid to rest at this hour. May peace attend his way.

Bless, O Lord, our prisoners of war and their suffering families; hasten their safe return. With equal haste, bring reason, love, and understanding to the minds of men and nations that we may achieve a peace that is just and lasting.

God bless America, land that we love. In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 3, 1972, be dispensed with.

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

BLACK LUNG BENEFITS ACT OF 1972—CONFERENCE REPORT SUBMITTED DURING ADJOURNMENT

Under authority of the Senate of May 3, 1972, Mr. RANDOLPH on May 3, 1972, during the adjournment of the Senate, submitted a report of the committee of conference on the disagreeing votes of the two Houses of the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes (Rept. No. 92–780).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS 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 May 1, 1972, the President had approved and signed the bills (S. 978) authorizing the conveyance of certain lands to the University of Utah, and for other purposes; and (S. 1989) to amend title 39, United States Code, to provide for the renewal of certain star route contracts; and the joint resolution (S.J. Res. 117) asking the President of the United States to declare the fourth Saturday of September 1972 "National Hunting and Fishing Day."

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Maj. Gen. John D. Lavelle to be placed on the retired list in the grade of lieutenant general, which was referred to the Committee on Armed Services.

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

INDIANS OF THE PUEBLO OF COCHITI

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 743, S. 538.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 538, to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Cochiti.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described federally owned lands, together with all improvements thereon, situated in Sandoval County, New Mexico, which were acquired for school purposes, and which have been determined to be excess to the needs of the Federal Government, are hereby declared to be held by the United States in trust for the Pueblo of Cochiti, subject to all valid existing rights-of-way of record:

That parcel of land in section 19, township 16 north, range 6 east, New Mexico principal meridian, described as beginning at the northeast corner, whence the southwest corner of the church bears south 72 degrees 35 minutes east, 420.6 feet distant; thence north 66 degrees 13 minutes west, 480 feet to the northwest corner; thence south 23 degrees 47 minutes west, 300 feet to the southwest corner; thence south 66 degrees 13 minutes east, 480 feet to the southeast corner; thence north 23 degrees 47 minutes east, 300 feet to the northeast corner, the place of beginning; containing 3.308 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–775), explaining the purposes of the measure.

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

PURPOSE

The bill provides that all right, title, and interests of the United States in 3.308 acres, more or less, of federally owned land, acquired for school purposes, together with improvements thereon, will be held in trust by the United States for the Pueblo of Cochiti, subject to existing rights-of-way.

EXPLANATION

This property was acquired by the United States from the Pueblo through condemnation action for a consideration of $150 and was used as a Government-supported school for the Cochiti Indians until the mid-1960's. The land and improvements were then permitted to the school board of the Bernalillo Public Schools for the purpose of operating a public school and providing housing for teachers. This permit was terminated upon completion of the construction of a new public school to serve the educational needs of the Cochiti Pueblo children.

When the new school was completed, the Cochiti site became excess to the needs of the Bureau of Indian Affairs for school or other purposes. After this, the facilities were used for community purposes such as the Pueblo Governor's office, council office, library, and Headstart classrooms.

The subject property is located within the village of Cochiti and is adjacent to tribal land, most of which is assigned to individual members of the pueblo for homesites.

The land, together with the improvements, now have an estimated value of $31,000. The existing buildings are old and will require a considerable outlay for maintenance.

With the title held in trust for the Cochiti Pueblo, the pueblo will be justified in expending tribal funds to maintain and repair the buildings, and at the same time the Federal Government will be relieved of the responsibility for maintenance and upkeep.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Although the Cochiti Pueblo has no formal land consolidation program, it has a policy long established of acquiring parcels within the boundaries of the reservation through land exchanges in order to consolidate its use areas.

COST

No additional expenditure of Federal funds will result from the enactment of S. 538.

VETERANS MEDICAL CARE ACT OF 1971—MESSAGE FROM THE HOUSE

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10880.

The PRESIDENT pro tempore laid before the Senate the bill (H.R. 10880) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which was read twice by its title.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the text of S. 2354, as amended and reported by the Committee on Veterans' Affairs, and now on the calendar, be substituted in lieu thereof.

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

VETERANS HEALTH CARE EXPANSION ACT OF 1972: REFORM AND MODERNIZATION OF VA MEDICAL PROGRAM

Mr. CRANSTON. Mr. President, on behalf of the Committee on Veterans' Affairs, I thank the leadership on both sides for bringing up for consideration so promptly the provisions of S. 2354 which I reported from the Committee on Veterans' Affairs on Tuesday, May 2—No. 776. We have asked that the text of the reported bill be inserted in H.R. 10880, the House-passed counterpart measure which is being held at the desk.

At the outset, I want to express my special appreciation to the chairman of the Veterans' Affairs Committeee (Mr. HARTKE) for his cooperation and his contributions to this highly important legislation, and I thank him for asking me to manage this bill on the floor today. We have also had outstanding assistance from the ranking minority committee member (Mr. THURMOND) as well as the ranking minority member of the Subcommittee on Health and Hospitals (Mr. HANSEN), which I am privileged to chair, and the ranking majority member of the subcommittee (Mr. RANDOLPH).

Mr. President, the Subcommittee on Health and Hospitals held comprehensive oversight hearings on VA medical care and on S. 2354 and related bills during the spring and summer of 1971. On March 28, the Committee on Veterans' Affairs unanimously ordered S. 2354 favorably reported with amendments I had proposed and which were unanimously adopted in subcommittee on February 16. At full committee, the amendments were consolidated into a committee substitute amendment.

I am extremely proud of the fact that all actions of the Health and Hospitals Subcommittee and of the full committee on veterans' health legislation to date has been unanimous, as was the action of the Senate a week ago in adopting the provisions of my bill—S. 2219—the VA Health Manpower Training Act of 1972.

Together these bills—S. 2354 and S. 2219—are a culmination of a legislative program that first began to take shape in my mind during extensive oversight hearings I chaired of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee in the 91st Congress, conducting a 6-months' investigation—between November 1969 and April 1970—into the quality of medical care for veterans wounded in Vietnam.

Two years ago, in speeches to the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, I outlined the need for new legislative directions for the VA Department of Medicine and Surgery as follows:

I believe several principles should guide the VA medical program in producing first quality care for our veterans.

First, the VA system must be viewed as part of a larger pattern of community medical care if it is to prosper as a modern, high quality health system. Now, I am not suggesting diluting the VA system or its distinctive veterans orientation. But the VA cannot share in innovations and new techniques if it is not involved in planning the health activities of the communities where its facilities are located.

Time and again, our hearings have shown the VA health care crisis to be symptomatic of a massive nationwide medical care crisis. The VA's problems cannot be resolved in isolation. In virtually every community, there are shortages of doctors, nurses, allied health professionals, medical equipment, physical facilities, and outpatient care.

Thus, I will introduce legislation to build upon the present VA relationship with regional medical programs and other community health planning efforts. The bill would require that both the VA and the Department of Defense be represented on the national and area-wide regional medical program advisory councils. I am also asking that they be represented on the state advisory groups of comprehensive health planning agencies and community mental health centers. This should increase coordination and promote an interchange of ideas to improve the VA's and the community's capacity to deliver quality medical care.

I will also introduce, with some modifications, an administration proposal to permit VA hospitals to participate more actively in regional medical programs. It will also authorize the VA to receive direct grants for multi-program projects, and to enter into subcontracts with regional medical grantees for coordinated improvements in VA programs on heart, cancer or stroke.

Another principle of which I am convinced is that the VA system should be more fully responsive to the medical needs of all veterans and their families. The system is dedicated to them. If there is a lessening demand for hospital beds as the VA contends—although restrictive admission policies could very well be the cause of reduced inpatient levels—then we must change eligibility requirements if we don't want to dangerously weaken the whole system. I plan to introduce a number of bills to meet this crisis.

One is a 'Family Bill' to provide full VA medical and hospital care for the dependents of totally and permanently disabled living veterans, as well as survivors receiving disability and indemnity compensation. Caring for the dependents of sick or deceased service-connected veterans surely should be a vital purpose of the VA.

Existing personnel capacities, especially at VA hospitals affiliated with medical schools, appear adequate for this job. And broadening the variety of cases to include children and women should help the VA recruit higher calibre medical personnel.

This 'Family' bill will also enable the VA to treat a veteran's family where that is necessary for the veteran's total care and rehabilitation. Two examples will illustrate my intention.

Eminent psychiatrists have pointed out that most patients with psychological disturbances cannot be properly treated apart from their family situation. But the law doesn't permit family treatment and so it is often bootlegged. I maintain that when the veteran's total care requires that his family be treated with him, he should be entitled to such total care for his condition through his family.

Similarly, total care of a physically disabled veteran may require that his family be fully oriented on the philosophy of his rehabilitation program. The VA should be able to bring key family members to the hospital for this orientation, as is done now on a limited basis at the blind centers, with nonappropriated funds.

This "family" bill also would provide specific authority for the VA to stress home care programs for any hospitalized veteran. Although a start has been made by the VA in home kidney dialysis, much more needs to be done, especially in the psychiatric field. Most medical experts agree that institutional care is the least desirable. Alternatives should be fully explored.

"Home care", employing mobile teams to train families and conduct post-hospital follow-up, can in many cases provide more compassionate, more effective and far more economical care.

In line with the idea of total care, I am considering another bill to amend present restrictions on care for a non-service-connected condition unrelated to the condition for which a veteran was hospitalized. Clearly, a physician cannot ethically assume responsibility for only a portion of his patient's health, and we should stop asking doctors to walk this impossible line. Instead, we should authorize necessary medical care for any illness of a hospitalized veteran.

Along these same lines, I am exploring expanding pre-hospital outpatient care for non-service-connected conditions to include reasonably necessary care to prevent hospitalization, as well as to prepare for it.

Another bill . . . would insert into VA law a full definition of rehabilitative services.

It would stress the right of a severely disabled veteran to a comprehensive program aimed at restoring him to his family and community as a productive, self-respecting, and self-sustaining member of our society. The VA is hampered by many difficulties in this area, and new legal definitions will not resolve all of them. But at least the goal

would be clearly and authoritatively established. Moreover, I plan other steps to implement it, such as fighting for necessary appropriations for staffing spinal cord injury units.

Another bill I plan to introduce would establish nursing home care as a clear part of hospital care, thereby permitting veterans to apply for direct admission to a VA nursing home without prior VA hospitalization. This bill would also raise the present statutory minimum of 4,000 VA nursing home beds to 6,000. There is an unmet demand for VA nursing home beds by World War I veterans which will expand as our World War II veterans grow older. We should consider converting hospital beds not being fully utilized into VA nursing home beds. Community nursing homes are already greatly in demand among the aging non-veteran.

Another bill I will . . . offer would deal with psychiatric disturbances, alcoholism and drug abuse among Vietnam veterans. These problems may prove to be enormous in the years ahead. I propose expanding the present presumption of service-connection for mental conditions, which now applies only to an active psychosis occurring within two years of discharge, to include any psychosis, neurosis or character disorder or chronic alcoholism or drug abuse problem arising within three years of separation. That would make outpatient treatment available to men whose problems were accelerated or aggravated, if not caused, by their service. Outpatient care is often the most appropriate for low-grade emotion disturbances and drug abuse. Vietnam veterans seem especially likely to suffer from these problems.

Also being developed is a bill to provide the VA with new responsibilities to train and employ more doctors, nurses, and allied health professionals, especially so-called physicians assistants. It would also revise personnel authorities to enable the VA to compete more effectively for scarce health professionals. The VA must be able to enlarge its training program if it is ever going to make up its personnel shortages. The VA should perhaps be authorized to pay special salary differentials for posts they are having difficulty filling. And the VA should be able to peg general salaries geographically to an index community hospital.

Such a personnel system bill would also require that every VA facility reach a comparable staff-to-patient ratio with an index community hospital within three years. The present disparities are shocking: 1.5 for the VA general hospital, 2.7 for the average community hospital, and 3.5 to 4.0 for the university hospital; and that means inadequate care, inadequate attention, and inadequate time for the veterans in those hopsitals.

Mr. President, it has taken us a full 2 years to develop this legislation and bring it to the Senate floor because the major focus of our efforts in 1969, 1970 and the first half of 1971 of necessity was budgetary—specifically with reference to the fiscal years 1971 and 1972 VA medical and hospital program budget requests. Our 1970 and 1971 oversight investigations culminated each year in detailed and comprehensive budgetary findings and recommendations for increased appropriations which I presented to the appropriate Appropriations Committee subcommittee chaired by the distinguished Senator from Rhode Island (Mr. PASTORE) who has been and is a great friend of all veterans.

The result of these efforts was a VA medical and hospital program total appropriation increase of $367.1 million over a 2-year period above the amounts requested in the President's original budget requests. This increase, coupled with the request for fiscal year 1973, which I find relatively sufficient under existing enabling legislation, will have resulted in increases in VA hospital staffs by approximately 20,000 new doctors, dentists, nurses, technicians, and allied health workers by 1973—over a 2½ year period. This is true even though approximately 30 percent of the total appropriation increase was either not spent at all or not spent for the purposes intended by the Congress—improving the VA hospital and medical program.

Thus, Mr. President, the message has finally gotten to the administration after our two successful congressional efforts in 1970 and 1971, and we find the fiscal year 1973 budget also contains far more reasonable allocations for replacement and repair of equipment, purchase of supplies, and medical and prosthetic research, as well as a substantial expansion of the construction and remodeling budget—far more realistic than the budget requests originally submitted for fiscal 1971 or 1972.

Our oversight hearings over an 18-month period produced extensive information regarding not only funding inadequacies in the operation of D.M. & S. but also programmatic shortcomings derived largely from restrictive statutory provisions in title 38 of the United States Code. The prescription to overcome these difficulties was initially set forth in S. 2354, which I introduced last July 27. This bill was in part a companion measure to H.R. 37 and its successor bill H.R. 10880, now passed by the House. It also incorporated, with some relatively minor revisions almost all the administration proposals included in S. 1924—the administration bill—and the committee substitute under consideration today incorporates several other minor VA proposals submitted subsequently.

The basic theme for our hearings on this legislation and the philosophy underlying S. 2354 and the committee substitute were summed up in my opening statement at the morning session of the August 4, 1971, hearings as follows:

> Thus, as we open these hearings and begin to consider the comprehensive legislative proposals before us, it is our task to reevaluate and rethink basic VA hospital . . . enabling legislation, and to revise and reform it as necessary to enable this enormous, largest single hospital and medical program in this country to move forward to provide quality care to all eligible veterans and, in appropriate cases, their eligible dependents. Thus, we are entering a second phase in the work we seek to accomplish in regard to veterans [medical] care.

As a result of the hearings on August 4, 1971, and the earlier ones I have cited, the committee found that the potential increase in the need for treatment for drug addiction and the aging of the World War II veteran population, with a concomitant onset of medical complications to those veterans, promises increasing demands on the Veterans' Administration hospital and medical system in terms of staff and facilities. Moreover, the rapid technological advances occurring continually in the medical community create an added obligation on the Veterans' Administration which, though leading in many of these areas, must keep its staff informed and its equipment up to date, as new techniques and treatment processes are developed.

Mr. President, the committee substitute is therefore intended to provide D.M. & S. with the full legislative authority needed to meet this increasing demand with application of up-to-date medical care and technology, to attract and retain high-quality staff able and motivated to provide total health care to the veteran, and in certain instances, members of his family, and to function in closer relationship to health care institutions and personnel in the surrounding community, a purpose shared by S. 219, passed a week ago.

Mr. President, the Veterans Health Care Expansion Act of 1972 is designed to launch the Veterans' Administration on the most comprehensive series of medical reforms in its 42-year history. This far-ranging measure calls for expenditures over 5 years of $900 million—$167 million of it in fiscal 1973. A comparison with the provisions of the House-passed bill and the administration proposal—S. 1924—is set forth in a chart in the committee report—No. 776—which I include in the RECORD at this point:

COMPARATIVE COST ESTIMATES FOR FIRST FULL FISCAL YEAR

[In millions of dollars]

S. 2354 provision		Comparable S. 1924 provision		Comparable H.R. 10880 provision	
Section	Cost	Section	Cost	Section	Cost
TITLE I					
101(a), contract care	Included in 102(3)	None		None	
101(b), family	No estimate	do		do	
101(b), direct admission to VA nursing home	do	do		do	
101(c), home health	do	do		do	
102(1), peacetime	6.9	do		do	
102(2), in-hospital for non-s/c	No estimate	do		do	
102(3), dependents	16.9	do		101(b)	16.9.
103(a), outpatient care "obviates."	6.7	102	6.7	102	6.7.
103(a), outpatient care, 50 percent disabled	77.2	None		None	
103(a), outpatient care, dependents	8.7	do		102	6 (House report).

COMPARATIVE COST ESTIMATES FOR FIRST FULL FISCAL YEAR—Continued
[In millions of dollars]

S. 2354 provision		Comparable S. 1924 provision		Comparable H.R. 10880 provision	
Section	Cost	Section	Cost	Section	Cost
TITLE I					
103(a), Outpatient care, peacetime	4.78	do		None	
103(b), annual report, new eligibility	No estimate	do		do	
104(a), military to comm. n/h	do	do		do	
104(b), NH standards	do	do		do	
104(d), to comm. n/h after VA exam for s/c	No cost	Recommended in VA Mar. 28 report	No cost	do	
105, earthquake loss	No estimate	None		do	
106(a) and (b), reimbursable emergency care	No cost	do		105	No cost.
107, extend authority for grants, Philippines veterans' hospital	2.1	do		None	
108, sickle cell screening	2.3	do		do	
108, research	3.0	do		do	
Title I, subtotal	128.58		6.7		29.6.
TITLE II					
201, index hospitals	No estimate	None		None	
202, new ACMD's	.080	202	.080	203	0.080.
203-205, physicians' assistants under title 38	No estimate	None		None	
206(1), upgrade officers	.087	203	.057	203	0.087.
206(1), physicians' assistants pay grade	No estimate	None		None	
206(2), nurse, LPN & NA premium pay	22.5	204	18.3	204	18.3.
206(2), apply to physicians' assistants	No estimate	None		None	
206(2), pay to meet competition	13	do		do	
207, physicians' assistant to title 38	No cost	do		do	
208, technical	do			206	
209(1), longer temporary appointments	do	205	No cost	207	No cost.
209(2), central administration	do	Draft bill		H.R. 10879	Do.
209(3), physicians' assistants GI bill	No estimate	None		None	
210, malpractice	No cost	206	No cost	208	Do.
211, technical	do	207	do	201	Do.
Title II, subtotal	35.667		18.437		18.467.
TITLE III					
301(a), bed minimum	No estimate	None		None	
301(b), earthquake resistant structure	do	do		do	
302(1), land jurisdiction	No cost	Draft bill	No cost	H.R. 481	No cost.
302(2), lease waiver	do	301	do	301	Do.
302(3), technical					
303(1), clarify sharing	No cost	302(a)(1)	No cost	302	Do.
303(2) and (3), sharng excess beds	do	302(a)(2)	do	None	
Title III, subtotal					
TITLE IV					
401, extend authority for VARO Philippines (fiscal year 1974)	.975	None		None	
402, phone installation	0.003	401	.003	401	0.003.
403(a)(2), (3) and (b) VA State home, grant percent increase	2.7	Draft bill	2.7	None	
Title IV, subtotal	3.678		2.703		0.003.
Grand total	167.925		27.840		48.070.

Mr. President, I would like to describe in more detail the basic provisions of the committee substitute:

New emphasis is to be placed upon treating the patient as part of a family unit, not as an isolated individual removed from any family or social setting. This is particularly essential for patients undergoing psychiatric treatment, but, in addition, total care of a physically disabled veteran also may require that his family be fully oriented on the philosophy, goals and achievements of his rehabilitation program. The bill thus authorizes bringing key family members to VA hospitals for such orientation.

It also stresses "home health care programs" under which mobile teams will train families to care for patients so they can be released from the hospital sooner and removed from the debilitation and stagnation of institutional life. This could in many cases provide more compassionate, more effective and far more economical care.

An estimated 330,000 veterans with 50 percent or more service-connected disabilities are, for the first time, made eligible for VA outpatient care and medicines for all their non-service-connected ailments regardless of their financial status or a future need for hospitalization. At present, only those with 100-percent service-connected disabilities are provided such total care. Annual cost of this expanded program is $77.2 million.

Some 150,000 "peace-time veterans" who are suffering from non-service-connected disabilities and are unable to afford private care will, for the first time, be eligible for VA hospital, nursing home and certain outpatient care under regular VA eligibility requirements. These are veterans whose service ended prior to April 6, 1971, and those who served between November 12, 1918, and December 6, 1941, or between January 1, 1947, and June 27, 1950. The VA estimates the annual cost at $6.9 million.

Also for the first time, 282,000 veterans' dependents not covered by medicare, medicaid or military medical benefits programs will become eligible for VA medical care. They are the wives and children of veterans with total and permanent service-connected disabilities, and the widows and orphans of veterans who died from service-connected disabilities. The annual cost is estimated to be $16.9 million.

Both these groups—totaling 432,000 new VA health care beneficiaries and all veterans presently eligible for VA hospital care, will also for the first time be eligible for outpatient care if such treatment would "obviate" the need for hospitalization. The estimated annual cost of this expanded program is $20.18 million. Presently, outpatient care for veterans with non-service-connected disabilities—except for 100-percent service-connected disabled veterans—is available only if they cannot afford hospital care—this is unchanged by the bill—and only then when necessary to prepare for or followup on a hospitalization.

The committee substitute directs that all black veterans in VA hospitals and domiciliaries, and those receiving outpatient care or undergoing physical examinations, are to be voluntarily screened for sickle cell anemia. The VA estimates the first year cost of the identification and counseling program at $2.3 million, for a total 5-year cost of $10.5 million. Veterans' spouses are to be included upon request. In fiscal year 1971, more than 123,000 black veterans were admitted to VA hospitals.

The committee substitute also directs the VA to make sure that every black veteran receiving any kind of VA benefit receive as soon as possible full information regarding the nature and inheritance of sickle cell anemia and where to go for screening examinations and treatment.

The VA is to carry out a 3-year sickle cell anemia research and research training program at a total cost of $12 million, the annual authorization to be $3 million in fiscal 1973 and to increase $1 million each of the next 2 years.

These sickle cell anemia provisions are virtually identical to those I proposed in the Senate-passed S. 2676, the National Sickle Cell Anemia Act, which the House has deleted from that bill.

To meet the needs of an aging veterans population, the bill permits veterans and

eligible dependents to enter a VA nursing home without immediately prior hospitalization, and raises the present statutory minimum of 4,000 VA nursing home beds to 8,000 by fiscal 1974. It also calls for conversion of unused VA hospital beds to VA nursing beds and permits veterans at VA expense to enter community nursing homes without first going into a VA hospital if such action is certified necessary for their service-connected disabilities by a VA physician, or to enter directly from military hospitals.

The VA is given 3 years to raise the staff-to-patient ratio in "every VA facility" so such facilities will be comparable on a service-by-service basis with other medical facilities in the community. The present ratio is 1.5–1 in the average VA general hospital compared with a 2.7–1 ratio for the average community hospital and up to 4–1 at a university hospital.

A survey conducted in 1971 shows some of the wide variations that exist in staffing intensity between VA hospitals and community hospitals. The VA hospitals used in the survey ranged in size from 188 beds to 1,565 and contained 5,339 operating beds. The gross staffing ratios in VA hospitals ranged from 1.19 to 2.49 employees per operating bed. The overall ratio for the nine VA hospitals surveyed was 1.70 employees per operating bed. Since outpatient staffing could not accurately be separated from inpatient staffing in several of the hospitals, all statistics were included in the total.

The community hospitals ranged in size from 130 beds to 1,063. The eight community hospitals surveyed contained 3,678 operating beds. The gross staffing ratios in community hospitals ranged from 2.08 to 4.33 employees per operating bed. The overall ratio for the eight community hospitals was 3.23 employees per operating bed.

Overall, the community hospitals were staffed almost 2 to 1 over VA hospitals. The overall occupancy rate of the VA hospitals surveyed was 89 percent compared to 85 percent for the community hospitals. Percentagewise the VA utilizes almost three times as many volunteer and other nonpaid productive workers as the community hospitals. This amounted to 6½ percent of the paid VA hospital combined staffs as compared to 2½ percent of the paid community hospital combined staffs. When the unpaid personnel are added to the paid staff, the overall VA ratio rises from 1.70 to 1.81.

The community hospital ratio rises from 3.23 to 3.31.

A survey of nursing service statistics illustrates that community hospitals are staffed for nursing personnel on the average about twice as well numerically as VA hospitals. The cumulative averages showed VA hospitals have one nursing employee to every 1.8 beds while community hospitals in the survey have one nursing employee to every 1.0 bed. It is important to note that staffing of nursery, labor and delivery rooms in community hospitals was not included in these figures because VA hospitals do not have these services.

Moreover, the study showed that community hospitals have approximately twice as many registered nurses per bed able to indicate how much extra time should be added to community hospitals which, unlike the VA, do not maintain special duty nurses on their staffs.

The following charts show the three basic tours that all hospitals use. The statistics gathered show the average VA hospital nursing unit was 33 beds and the average community hospital nursing unit was 30 beds. For the total Nursing Service, personnel were assigned as follows:

ALL NURSING PERSONNEL

[In percent]

	Day tour	Evening tour	Night tour
VA	64	20	16
Community	57	26	17

This chart and the survey data show that the day tour was staffed almost 50 percent better per nursing unit in community hospitals than VA Hospitals. The evening tour in community hospitals was staffed twice as well as the VA hospitals, and the night tour was staffed a little less than twice as well in the community hospitals.

In terms of numbers of nursing personnel, for the night shift the VA hospitals surveyed had an average 2.9 nursing personnel per unit in the hospitals surveyed for 7-day coverage. The community hospitals averaged 5.2 nursing personnel per unit.

Regarding the evening shift, the community hospitals used more of their staffs than did the VA hospitals—26 percent versus 20 percent. By contrast, the VA staffed its day shift with a higher proportion of available staff than community hospitals—64 percent versus 57 percent. The night shift is about the same—VA 16 percent versus community 17 percent.

The following chart shows registered nurses by shift; the percentages assigned to the three shifts are in the same approximate proportion as for all nursing personnel.

REGISTERED NURSES

[In percent]

	Day tour,	Evening tour	Night tour
VA	67	19	14
Community	58	24	18

The survey also showed that community hospitals are staffed nearly three times as well in X-ray units as VA hospitals. This is in part attributable to the fact that community hospitals tend to use scheduled staff at night and on weekends rather than to use callback.

I think this study and the figures I have cited quite clearly demonstrate the types of startling staffing disparities that exist today between VA and community hospitals.

The committee substitute authorizes the VA to pay higher salaries to doctors, nurses, and other health workers to attract them to remote areas or to meet competition in high-cost areas. The VA estimates $13 million would be expended to carry out this important purpose.

The VA is also directed to revitalize its medical personnel system by providing greater opportunities for upward mobility for lower paid workers, especially to arrange in-service education and training for licensed vocational nurses and nursing assistants. This is an extremely important feature to end the rather high turnover rate of VA lower paid health workers which is counterproductive in terms of career development and disrupts the quality and continuity of patient care.

The committee substitute also mandates the VA to seek out all returning servicemen and recent veterans who served as military medics and corpsmen and to advise them of new, expanded opportunities to use their military experience as VA physicians' and dentists' assistants. The committee substitute directs the VA to launch a major program to hire 300 former military medical corpsmen a year and train them as physician's assistants. To facilitate the training of these new paramedics in the VA, the substitute amendment provides that they be eligible for full-time GI bill benefits, just as medical interns and residents are now, while they receive on-job training in the VA.

The committee substitute authorizes short-term use of excess VA hospital beds—limited to those clearly not needed for VA patients—to meet community medical needs.

It also provides that, for the first time, all VA nursing personnel will receive extra pay for overtime, Sunday, holiday, nighttime, and on-call duty.

The committee substitute directs the VA to take steps to assure that all VA hospitals, domiciliaries, and other medical facilities are resistant to earthquakes and other natural disasters. The administration is instructed to—

Prescribe construction standards on a State or regional basis—based on a survey of pertinent State and local ordinances, building costs, and climactic and seismic conditions.

Mr. President, the tragic consequences of a number of natural disasters within recent years has pointed to the need for stricter safety standards in the construction and maintenance of VA facilities. I refer to the disastrous loss of lives due to earthquake damage at San Fernando, Calif., closely followed by a tornado at Fayetteville, N.C., a year ago. Also, a number of veterans lost personal effects at both places and at VA facilities at Gulfport and Biloxi, Miss., struck by Hurricane Camille.

The committee substitute authorizes reimbursement for such property losses retroactive to January 1, 1971, whereas reimbursement under present law is limited to property destroyed by fire.

Mr. President, these provisions of S. 2354, as reported, are described more fully in the committee report, and I ask unanimous consent that appropriate excerpts from that report be printed in the RECORD at this point.

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

TREATING THE VETERAN AS PART OF A FAMILY UNIT

Broadening the treatment of the veteran to include a veteran's family when necessary to the care and treatment of the veteran,

as is proposed in the Committee substitute, will fulfill the basic need—particularly in psychiatry—of treating the patient as part of a family unit, not as an isolated individual removed from any family or social setting. Similarly, total care of a physically disabled veteran may require that his family be fully oriented on the philosophy, goals, and achievements of his rehabilitation program. The VA should be able to bring key family members to the hospital for such an orientation, as is done now on a limited basis with nonappropriated funds at some VA blind centers.

These family provisions also would provide specific authority for the VA to stress home health care programs for any hospitalized veteran, or dependent made eligible under the Committee substitute. Although a start has been made by the VA in home kidney dialysis and care of the spinal cord injured at home, much more needs to be done, especially in the psychiatric field. Most medical experts agree that institutional care is the least desirable. All feasible alternatives should be fully explored under the provisions in the Committee substitute.

Home health care—employing mobile teams to train families and conduct post-hospital followup—can in many cases provide more compassionate, more effective, and far more economical care.

COMPARABILITY OF TREATMENT FOR PEACETIME VETERANS

The Committee substitute expands eligibility for hospital (including full nursing home) and certain outpatient care to include so-called peace-time veterans. Providing comparability in the eligibility of peacetime and war-time veterans for hospital, nursing home, and domiciliary care is the logical extension of the amendment enacted in 1970 in Public Law 91–500, section 4, authorizing such care to both peace-time and war-time veterans 65 years of age or older for non-service-connected disabilities regardless of ability to defray necessary expenses of hospital care. Under the committee substitute, new eligibility is provided for approximately 150,000 peace-time veterans—generally those whose service ended prior to April 6, 1917, those who served between November 12, 1918 and December 6, 1941, and those who served between January 1, 1947, and June 27, 1950—at an annual cost estimated by the VA as $6.9 million.

HOSPITAL CARE AND MEDICAL SERVICES FOR DEPENDENTS AND SURVIVORS OF TOTALLY DISABLED VETERANS

The Committee substitute authorizes, for the first time, provision of hospital care and certain medical (outpatient) services in VA medical facilities for the wife and children of a veteran with a total and permanent service-connected disability and the widow and children of a veteran who died from a service-connected disability, as long as the provision of such care does not interfere with the furnishing of hospital and domiciliary care to eligible veterans. Eligibility for hospital care under the Committee substitute includes eligibility for nursing home care in both VA directly-run and community nursing homes. Authority to contract for hospital care for such eligible dependents and survivors also is added.

The Committee has expanded eligibility for hospital and medical care to these dependents and survivors because it has found that these persons very often cannot obtain or are not eligible for present health insurance programs, either because they are excluded as a result of the living veteran's 100 percent disability (for whose medical needs the VA now provides totally) or because they cannot afford premiums for such insurance.

This new eligibility would extend hospital, domiciliary and nursing home care benefits to approximately 282,000 persons not presently entitled to other Federal health benefits, such as under Medicare, Medicaid and Military Medical Benefits programs: 56,100 wives and 78,000 children of veterans with total and permanent service-connected disabilities (total—134,100) and 57,600 widows and 91,000 surviving children of veterans who died of service-connected disabilities (total—148,600). The annual cost of this new eligibility is estimated by the VA to be $16.9 million.

EXPANSION OF OUTPATIENT MEDICAL SERVICES

Under present law, outpatient and ambulatory care for non-service-connected disabilities of veterans may be provided only on a pre-hospital or post-hospital care basis or to any war veteran with a total and permanent service-connected disability. The Committee substitute adds eligibility for outpatient care to be provided to any veteran (as well as the wife and children of any veteran with a total and permanent service-connected disability and the wife and children of any veteran who died from a service-connected disability) "when reasonably necessary . . . to obviate the need of . . . hospital admission". It also authorizes such outpatient care for any veteran with a service-connected disability rated as 50% or more disabling. The Committee believes strongly that any expansion of ambulatory care provided by the VA must focus substantially on the veteran seriously disabled by service-connected conditions.

Under the new "necessary to obviate" hospital care standard, a veteran with a non-service-connected disability or eligible dependent or survivor would still be required, pursuant to present section 622 of title 38, to complete an oath of inability to defray the necessary expenses of the hospital care which would be obviated.

The Committee substitute would increase those eligible for VA outpatient care by approximately 762,000 persons by including 150,000 peace-time veterans, 282,000 wives, widows and children, and 330,000 additional veterans with 50% or more service-connected disabilities. The annual cost for the total expansion of eligibility is estimated to be approximately $97.38 million—$6.7 million for war veterans; $4.78 million for peace-time veterans; $8.7 million for wives, widows and children; and $77.2 million for the 50 to 90% service-connected.

Finally, the Committee substitute somewhat expands the scope of VA outpatient care provided to a veteran with a total and permanent service-connected disability. Presently, the VA interprets title 38 to authorize it to contract for such outpatient services for such a veteran. However, its authority is unclear to approve reimbursement for such 100 percent service-connected disabled veteran's care provided to meet an emergency through non-VA resources.

The Committee substitute places in statutory form the basic provisions of the current VA regulation (VAR 6080) setting forth the criteria under which the expenses of medical care and treatment furnished in a medical emergency in non-VA facilities(and not authorized by the VA prior to the date the care and treatment was furnished) may be paid on behalf of a veteran who receives such care and treatment for a service connected condition, or in order to be able to pursue a program of vocational rehabilitation under chapter 31 of title 38. As indicated above, it would also broaden the scope of current practice under the regulation to include reimbursement to veterans with 100 percent service-connected disabilities who are furnished emergency care and treatment for non-service-connected disabilities.

VAR 6050.4 now provides that admission of any eligible veteran to a non-VA medical facility at VA expense must be authorized in advance. It also provides, however, that when the admission is based upon an emergency the advance approval requirement will be determined to have been met if an application therefor is presented to the VA within 72 hours after the date of admission and is approved. If this does not occur, the veteran-patient cannot receive reimbursement for his private hospital care unless he received such care in a medical emergency for a service-connected disability, within the criteria set forth in VAR 6080, discussed above.

The new provision in the Committee substitute (section 628) will make clear that reimbursement of private medical expenses may be authorized, without the necessity for an application therefor to be furnished to the VA within 72 hours of admission, for veterans treated (1) for a service-connected condition, or for a non-service-connected condition if they have a 100 percent service-connected disability, and (2) in a medical emergency under situations where VA or other Federal facilities were not feasibly available, or an attempt to use them would have not been reasonable, sound, wise, or practical. The effect of this is that with respect to the service-connected disability (or for the non-service-connected disability of a 100 percent service-connected disabled veteran) of any eligible veteran there will be only one rule (rather than two as presently in VARs 6080 and 6050.4) and the 72-hour requirement will be eliminated. The Committee expects that DM&S will revise and simplify its regulations accordingly if this provision is enacted.

EXPANSION OF NURSING HOME CARE

The Committee substitute permits veterans (and eligible dependents and survivors) to apply for direct admission to a VA nursing home without prior VA hospitalization and authorizes the direct transfer of a veteran from a military medical facility to either a Veterans Administration or a community nursing home. Direct admission to community nursing homes would also be authorized for veterans found by a VA physician after examination to require nursing care.

In addition, the Committee substitute raises the present statutory minimum of 4,000 VA nursing home beds to 8,000 by fiscal year 1974. There is presently an unmet demand for VA nursing home beds by World War I veterans which will expand as our World War II veterans grow older. The Committee believes that hospital beds not being fully utilized should be converted to VA nursing home beds, and the Committee substitute so provides. Quality community nursing homes are already greatly in demand among the aging population of nonveterans.

IMPROVED AND EXPANDED DM&S PERSONNEL SYSTEM

Health Care Personnel Training. The Committee substitute revises Department of Medicine and Surgery personnel authorities to enable the VA to compete more effectively for scare health professionals. The VA must be able to enlarge its training program if it is going to make up its personnel shortages. The Committee substitute and provisions in S. 2219 as reported from Committee (No. 92–726) and passed by the Senate unanimously on April 27, 1972, provide for substantial expansions of health care manpower training programs at VA hospitals.

Salary Differentials. The Committee substitute also authorizes the VA to pay special salary differentials for posts that are difficult to fill, and to peg general salaries geographically an to index community hospital.

Staff-to-Patient Ratio. The Committee substitute would also require that every VA

facility within 3 years reach a comparable staff-to-patient ratio in its services with comparable index services (or a general average) in a community hospital. The present disparities in staffing must be eliminated: 1.5 for the VA general hospital as compared with 2.7 for the average community hospital and 3.5 to 4.0 for the university hospital.

The Committee substitute directs the Veterans Administration to designate for every service in each hospital a comparable service in a hospital or hospitals in its geographic area, having an optimum staff-to-patient ratio in such service, to serve as an index for establishing adequate staff-to-patient ratios in the VA service.

Available information fully documents the wide disparity between staff-to-patient ratios in VA facilities and those at comparable community facilities. In general, community hospitals are numerically staffed higher than VA hospitals by almost two to one.

The Committee recognizes fully that there are variations in the patient population composition between VA facilities and community hospitals and that there are different demands for services provided from the two populations. These variations account for some of the staff-to-patient ratios cited above. However, the Committee believes that there are ample instances of clinical services and units which are fully comparable and that the above statistics cannot be properly accounted for merely by reciting the differences between VA and community hospitals.

The Committee would expect the index or composite index unit to be chosen on the basis of the most applicable comparable services. In some instances, there may not be a comparable community unit, as in the case of highly specialized and advanced programs such as spinal cord injury units. In these instances, the Committee expects the Veterans Administration to choose a comparable unit of high quality on a nationwide basis.

Nursing Personnel Differential and Premium pay.—The Committee substitute authorizes the payment of overtime pay, shift differentials, and premium pay for holidays and Sundays for all VA nursing personnel (including licensed vocational (practical) nurses and nursing assistants) and physicians' and dentists' assistants generally comparable to those now available to employees under the General Schedule and Wage Board Systems. For a detailed discussion of the provisions and the extent to which they differ from other Federal pay provisions, reference should be made to the section-by-section analysis. This authority is designed to enable the Veterans' Administration to provide benefits to nursing and supporting staff comparable to benefits offered in community hospitals and in other Federal hospitals under the Civil Service General Schedule.

The provisions with respect to overtime pay in the Committee substitute include a definition that overtime payment does not begin until at least 15 extra minutes are worked. The Committee wishes to make clear that this provision must not be construed as authorizing a standard extension of tours by 15 minutes. For example, where allowance is not made in the scheduling of regular eight-hour work tours for overlapping in order to brief incoming nursing personnel, overtime should be paid if an overlap is required on a regular basis. In addition, the first 14 minutes worked shall count toward the computation of overtime pay when the total overtime for that tour is of fifteen or more minutes duration.

Included among these pay provisions is reimbursement to the nurse for time scheduled "on call." Such time will be reimbursed at the rate of ten percent of the basic overtime rate for each hour officially scheduled "on call." The Committee understands that the abuse of "on call" duty has occurred with some frequency in VA facilities located in smaller communities and in the case of staff assigned to operating rooms and intensive care units. Personnel in these situations may be subjected to extraordinary impositions on their private time by repeated assignment to be "on call." Permanent records of "on call" assignments are not presently maintained inasmuch as under present law this is not compensable duty.

The requirement that the VA pay nurses "officially scheduled to be on call outside . . . regular duty hours" at ten percent of the basic overtime rate will result both in the maintenance of written records and in a review of the "on call" assignment by administrators responsible for the control of funds. Thus, at a relatively low cost, the Committee would expect that abuses will be abolished or, at least, minimized.

DM&S Personnel Grades, Pay Schedules and Benefits.—The Committee substitute revises the schedules of grades and pay scales for VA Department of Medicine and Surgery officers, physicians, dentists, and nurses generally along lines recommended by the administration. Basically, the amendment reflects current practice under the two recent Federal pay increases. In addition, the Director of Nursing is upgraded to a level comparable to Medical Director grade (in the Section 4103 Schedule)—the grade assigned Directors of DM&S Services, such as Psychiatry, for example. The Committee feels the wide scope of the responsibilities of the Director of Nursing fully warrant the change in grade level for this position. The Directors of the Chaplain, Pharmacy and Dietetic Services are also upgraded from GS 15 to GS 16 equivalencies, a new Nurse Schedule grade is established—Director grade—comparable to the Chief Grade in the Physician and Dentist schedule, and the present statutory prohibition on persons eligible to hold Director grade positions is restricted to the Physician and Dentist Schedule so as to permit assignment of a nurse to the new Director grade in large hospitals, all of which changes were recommended by the Veterans Administration.

The Committee substitute also establishes a new position, Director of Optometry, at the same level as the new Directors of Chaplain, Pharmacy and Dietetic Services positions, in order to provide nationwide coordination of optometric services and improve overall vision care services in DM&S.

The new grade and pay schedules included in the original S. 2354 covering allied professional and health technician personnel have been dropped partly because of the enormous progress made in the last four years in upgrading the advancement opportunities for such personnel, particularly nursing assistants and licensed vocational nurses, and because the coordinated job evaluation and grading plan for Federal salaried occupations currently under study by the study group established pursuant to the Job Evaluation Policy Act of 1970 (P.L. 92–216) may produce data enabling the Civil Service Commission to make the grade levels of these positions more compatible with the duties required and responsibilities assigned individuals in these classifications.

However, because of the highly innovative nature of training and employment for the new positions of physicians' assistant and dentists' assistant in the Veterans Administration DM&S, because of the lack generally of comparable positions in the community with which grades and salaries could be compared, and because the Committee wanted to afford DM&S maximum flexibility in launching a major paramedical employment and OJT effort, particularly for former servicemen with military M.O.S.'s, these new types of personnel are placed directly within the title 38 personnel system. Within the flexibility of the title 38 system, the Committee believes there is maximum opportunity to adjust the varying roles and responsibilities developed for these new members of the health care team to the appropriate grade and pay levels, using the Nurse Schedule.

The Committee urges that DM&S greatly expand its programs for the training of physicians' and dentists' assistants, presently in operation at about 20 VA hospitals. The Committee believes that the DM&S has the capacity to train, graduate and employ approximately 300 such paramedics annually within a year after a major program is undertaken. To provide extra assistance with the support of former medics and corpsmen undertaking such training in VA hospitals (largely OJT), the Committee substitute provides that generally such training programs are to be considered full-time institutional programs for GI bill purposes, such as a physician's internship or residency is now. The Committee expects that the formal trainee period for such a position, pursuant to section 4114 of title 38, would not be prolonged so that such persons could enter employment as expeditiously as possible under the Nurse Schedule as physicians' or dentists' assistants pursuant to new sections 4105(a)(8), 4107(d) and 4107(g).

The Committee substitute also directs DM&S to provide for maximum opportunities for lateral mobility and career advancement for all its health care personnel, with particular emphasis upon continuing education and arrangements for obtaining academic credit for such on-job or in-job training. There is a particularly great need to open up career advancement and upgrade education opportunities for nursing assistants to be trained and advance to L.V.N.s, for L.V.N.s to move on to the increased responsibilities of the Registered Nurse, and for R.N.'s to be given special training to assume independent patient care responsibilities as nurse practitioners and physicians' and dentists' assistants. The VA, which employs the great majority of all Federal nursing personnel, should set an example, for emulation in the community at large, of an integrated and open nursing personnel service. A beginning to movement in this direction is provided by the Committee substitute's application of the same differential and premium pay rates to all levels of nursing personnel.

The Committee is aware of some valuable pilot programs underway in DM&S, particularly in conjunction with community colleges (the VA cited its program at the Little Rock, Arkansas, VA hospital at the hearings) for upgrading of the various levels of nursing personnel. It believes that such continuing education programs should be a regular part of the education and training of nurses, as well as health professionals and technicians and all health care personnel, at every VA hospital. In this way, it is hoped, the relatively high turnover rate particularly at the lower paying grades can be reduced.

The Committee is aware, as cited earlier with approval, of a long overdue increase in the average grade level to which L.V.N.'s and nursing assistants have been assigned in the past four years in DM&S. In the Committee's view, this achievement is the result of a belated recognition of the skills and responsibilities of these valuable members of the health care team and not of an alteration of qualifying requirements. The following table shows that between December, 1967 and December, 1971 the numbers of NAs and LPNs (and LVNs) at GS 5 and 6 increased from 2,240 to 9,444.

4-YEAR GRADE LEVEL COMPARISON—NURSING ASSISTANTS AND LICENSED PRACTICAL NURSES

	Dec. 31, 1967			Dec. 31, 1970			June 30, 1971			Dec. 31, 1971			Net 4-year change
	NA	LPN	Total	NA	LPN	Total	NA	LPN	Total	NA	LPN	Total	
GS-7								7	7		7	7	+7
GS-6	18		18	414	616	1,030	718	873	1,591	769	944	1,713	+1,695
GS-5	1,240	1,000	2,240	4,123	2,018	6,141	6,783	2,387	9,170	7,066	2,378	9,444	+7,204
GS-4	8,822	2,021	10,843	11,303	1,397	12,700	12,277	1,200	13,477	11,996	1,213	13,209	+2,366
GS-3	13,404	634	14,038	7,791	297	8,088	4,865	454	5,319	4,512	585	5,097	−8,941
GS-2	2,496		2,496	1,043		1,043	1,074		1,074	1,214		1,214	−1,282
GS-1				3		3	71		71	33		33	+33
Total	25,980	3,655	29,635	24,677	4,328	29,005	25,788	4,921	30,709	25,590	5,127	30,717	+1,082

SCREENING AND TREATMENT FOR SICKLE CELL ANEMIA

The Committee substitute (incorporating Senate-passed provisions dropped by the House with the agrement of the Senate from S. 2676, the proposed "National Sickle Cell Anemia Act") authorizes the Veterans Administration to provide screening examinations for sickle cell trait or anemia to any veteran who is receiving care or medical services under VA auspices or an examination to determine eligibility for VA benefits. The Committee substitute specifies that all such veterans in the process of receiving such care, services, or eligibility examinations shall be furnished full information regarding the nature and inheritance of sickle cell trait and anemia and the availability to them on request of screening examinations. Approximately 16.6 percent (123,357) of veterans hospitalized in fiscal year 1971 (approximately 1,000,000) in VA hospitals were black.

The Committee substitute next authorizes the Veterans Administration, if it finds that the veteran has the sickle cell trait or anemia, to provide for counseling, if the veteran so requests, as well as any necessary hospital care and outpatient services for a disability arising from such trait or anemia. Such screening examination and counseling would also be provided, if requested, to the veteran's spouse, and the veteran would be given a complete explanation of his eligibility for VA hospital care and outpatient services.

The Committee believes that this new program in the Veterans Administration will enable a great many veterans and their spouses who would not otherwise do so to receive sickle cell screening examinations, counseling and treatment.

It is the committee's understanding that the Veterans' Administration has interpreted provisions in chapter 17 of title 38 authorizing the provision of care and services as creating an eligibility entitlement on the part of specified veterans and not as a discretionary authority.

The Committee substitute directs the Veterans' Administration to provide each veteran receiving VA benefits, as soon as possible, full information regarding the nature and inheritance of sickle cell trait and anemia and where he may receive screening examinations and treatment for trait or the disease. The Committee contemplates that such information would be disseminated along with regular VA mailings of benefit payments and other communications—such as GI bill checks, pension and compensation checks, home loan applications. NSLI and SGLI insurance premium notices—as well as be included in the basic VA benefits brochure and the material presented to each servicemen upon his discharge.

The Committee substitute also requires the Veterans' Administration to take full advantage of the research and research training opportunities available based on the screening examinations and treatments provided. In order to carry out such research, the appropriation of $3 million, $4 million, and $5 million is authorized in fiscal years 1973, 1974, and 1975, respectively. The Committee contemplates that these funds should enable the VA to extend multi-hospital cooperative studies to twenty-five of its hospitals and clinical information retrieval to all 166 VA hospitals.

The Committee notes that the Veterans' Administration is already engaged in a cooperative study in about twelve VA hospitals, each with about 1500 admissions of black patients. This study will evaluate the increased risks of complicating diseases associated with sickle cell trait. Conditions being studied include pulmonary embolism, myocardial infarction, vascular complications of diabetes, pyelonephritis, and post-operative complications. In addition, the VA has approximately 35 individual research projects underway to study the genetic defects and pathologic mechanisms involved in sickling.

With the appropriations authorized by the Committee substitute the VA would also establish in the first year a single laboratory devoted to work in genetic modification, a highly technical and expensive, but most promising, area of basic research needed to follow up on the very recent scientific breakthrough suggesting that there may be a way to correct the abnormality in the hemoglobin molecule in persons with sickle cell anemia or trait.

The Committee substitute requires that participation by any person in any sickle cell program (including research) will be wholly voluntary and not prerequisite to eligibility for any VA service, assistance, or benefit, and directs that all information in patient records collected in connection with the program be held confidential except when the patient requests release in writing or when statistical data is compiled in a non-identifying manner.

The Committee substitute also directs the Administrator to submit to the President for transmittal to the Congress annually on or before April 1 or each year a comprehensive report (including suggestions for any additional proposed legislation) on the administration and funding of these programs.

MINIMUM AVERAGE DAILY PATIENT CENSUS

In view of experience in fiscal year 1972, when the Office of Management and Budget imposed an arbitrary ceiling of 79,000 on the average daily patient census (ADPC) in VA hospitals to which the Congress responded by mandating in the FY 1972 Appropriation Act the maintenance of a minimum of 85,500 ADPC and 97,500 operating beds, the committee substitute includes a provision requiring the DM & S to maintain in VA hospitals for fiscal year 1973 an ADPC of 84,000 (a more reasonable figure in view of the history set forth in the following chart) and an annual average of 97,500 operating beds. The Committee was reluctant to take this step and did so only because it feared the imposition of another arbitrary ADPC maximum by the Office of Management and Budget.

The following chart shows the average daily patient census and number of operating beds cumulatively by month for fiscal year 1971 and the first eight months of fiscal year 1972.

VA HOSPITAL CARE OPERATING BEDS AND AVERAGE DAILY PATIENT CENSUS

	Operating beds		Average daily census	
	Month	Cumulative fiscal year	Month	Cumulative fiscal year
Fiscal year 1971:				
1970:				
June	102,354		83,308	85,547
July	100,692	101,523	83,019	83,019
August	100,638	101,228	83,471	83,262
September	100,699	101,096	83,985	83,498
October	100,689	101,014	84,624	83,784
November	100,632	100,949	84,710	83,966
December	100,402	100,871	82,473	83,715
1971:				
January	96,899	100,375	86,928	84,179
February	96,649	99,961	87,667	84,583
March	96,649	99,629	86,226	84,776
April	96,692	99,362	83,467	84,651
May	96,645	99,386	81,584	84,367
June	96,685	99,178	79,865	84,002
Fiscal year 1972:				
1971:				
July	95,857	96,271	78,760	78,760
August	95,707	96,083	79,477	79,118
September	95,596	95,961	79,567	79,266
October	96,728	96,115	79,992	79,454
November	96,950	96,254	80,932	79,748
December	97,136	96,380	79,111	79,638
1972:				
January	96,990	96,456	83,162	80,146
February	95,982	96,403	83,662	80,564
March	96,073	96,370	82,890	80,826

STRUCTURAL SAFETY OF VA MEDICAL FACILITIES

The tragic consequences of a number of natural disasters within recent years has pointed to the need for stricter safety standards in the construction and maintenance of Veterans Administration facilities. There were the tragic losses of lives due to earthquake damage at San Fernando, Calif., closely followed by a severe tornado at Fayetteville, N.C., a year ago. In addition, considerable numbers of veterans lost personal effects at VA facilities at Gulfport and Biloxi, Miss., as a result of damage caused by Hurricane Camille. The Committee substitute provides that the Administrator shall prescribe construction standards on a State or regional basis for each VA facility, such standards to be based on a survey of pertinent State and local ordinances, building codes, climatic and seismic conditions, and other factors, with the purpose of assuring that all hospitals, domiciliaries, and other medical facilities of the Veterans Administration will be fire, earthquake and other natural disaster resistant. Through such measures, the Committee hopes that future such tragedies can be prevented.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the Committee estimates that expenditures incurred in the fiscal year ending June 30, 1972, would be insignificant in view of the very short period that would likely be remaining in such fiscal year by the time the provisions of the bill would take effect. The Committee estimates the following costs for carrying out the provisions of the Committee substitute in fiscal years 1973 through 1977:

[In millions]

Section and description	Fiscal year— 1973	1974	1975	1976	1977
TITLE I					
101(a), contract care	(1)				
101(b), family	(2)				
101(b), direct admission to VA nursing home	(2)				
101(c), home health	(2)				
102(1), peacetime	6.9	7.2	7.5	7.9	8.2
102(2), in-hospital for non-s/c	(2)				
102(3), dependents	16.9	17.7	18.6	19.5	20.5
103(a), outpatient care "obviates"	6.7	7.0	7.7	8.1	8.5
103(a), outpatient care, 50 percent disabled	77.2	78.6	79.4	80.2	80.2
103(a), outpatient care, dependents	8.7	9.1	9.5	10.0	10.5
103(a), outpatient care, peacetime	4.78	5.02	5.27	5.53	5.86
103(b), annual report, new eligibility	(2)				
104(a), military to comm n/h	(2)				
104(b), NH standards	(2)				
104(d), to comm. n/h after VA exam for s/c	(2)				
105, earthquake loss	(2)				
106 (a) and (b), reimbursable emergency care	(2)				
107, extend authority for grants, Philippines veterans hospital	2.1	2.1	2.1	2.1	2.1
108, sickle cell screening	2.3	2.3	2.3	2.3	1.3
108, research	3.0	4.0	5.0		
Title I, subtotal	128.58	133.02	137.37	135.63	137.16
TITLE II					
201, index hospital	(2)				
202, new ACMD's	.080	.084	.089	.094	.099
203-205, physicians' assistants under title 38	(2)				
206(1), upgrade officers	.087	.091	.094	.099	1.03
206(1), physicians' assistant pay grade	(2)				
206(2), Nurse, LPN and NA premium pay	22.5	24.8	27.1	29.5	31.9
206(2), apply to physicians' assistants	(2)				
206(2), pay to meet competition	13.0	13.7	14.5	15.2	16.1
207, physicians' assistant to title 38	(2)				
208, technical	(2)				
209(1), longer, temporary appointments	(2)				
209(2), central administration	(2)				
209(3), physicians' assistants GI bill	(2)				
210, malpractice	(2)				
211, technical	(2)				
Title II, subtotal	35.667	38.675	41.783	44.893	49.129
TITLE III					
301(a), bed minimum	(2)				
301(b), earthquake resistant structure	(2)				
302(1), land jurisdiction	(2)				
302(2), lease waiver	(2)				
302(3), technical					
303(1), clarify sharing	(2)				
303 (2) and (3), (a) sharing excess beds	(2)				
Title III, subtotal					
TITLE IV					
401, extend authority for VARO Philippines	(2)	.975	.975	.975	.975
402, phone installation	.003	.003	.003	.0035	.0038
402(a)(2), (3) and (b) VA State home grant, percent increase	2.7	2.7	2.7	2.7	2.7
Title IV, subtotal	2.703	3.678	3.678	3.6785	3.6788
Grand total	166.950	175.373	182.831	184.2015	189.9678

[1] Included in sec. 102(3).
[2] No estimate.
[3] No cost.

SECTION-BY-SECTION ANALYSIS OF COMMITTEE SUBSTITUTE

Section 1 establishes the title of the proposed Act as "The Veterans Health Care Expansion Act of 1972."

TITLE I—HOSPITAL, DOMICILIARY AND MEDICAL CARE BENEFITS

Section 101:—Subsection (a) amends clause (C) of present section 601(4) of title 38, regarding the Administrator's contract authority for providing hospital care, along the lines recommended in the administration bill (section 101 of S. 1924) to delete the qualification that contract care for persons suffering from service-connected disabilities or disabilities for which they were discharged or released from the service be provided "only in emergency cases." Deletion of this language confirms existing practice. The clause also adds a new subclause (iv) to clause (C) authorizing contract hospital care, where appropriate VA and other Federal facilities are not available, for the wife and child of a veteran with a total and permanent service-connected disability and the widow and child of a veteran who died as a result of a service-connected disability. This contract authority is concurrent with the authority provided the VA to provide hospital care in its own facilities to such persons, in new subsection (d), added to present section 610 of title 38 by section 102 (3) of the Committee substitute.

Subsection (b) of section 101 amends paragraph (5) of present section 601 of title 38, to reflect the expanded eligibility for hospital care provided for in subsection (a) and section 102(3) of the Committee substitute. In addition, a new clause (B) is added in paragraph (5) in order to include within the definition of "hospital care" the provision of mental health services, counseling, training, and necessary transportation and subsistence expenses for the members of the immediate family of VA patients when such services and expenses are necessary or appropriate to treat and rehabilitate the VA patient effectively. Finally, a new clause (D) is added to make nursing home care an inherent part of hospital care, thereby authorizing direct admission to VA directly-run nursing homes for all section 610 (as amended by section 102(3) of the Committee substitute) beneficiaries. The effect of this new clause and the new section 610(e) is to authorize direct admission to VA directly-run nursing homes, eliminating the requirement that admission to such nursing homes must be made only for patients hospitalized in VA facilities. This new subsection would not authorize such direct admission to community nursing homes. (See section 104 of the Committee substitute for amendments to community nursing home authority.)

Subsection (c) of Section 101 amends paragraph (6) of present section 601 of title 38, defining "medical services" (ambulatory outpatient care), to provide specific authority for the provision of home health care services.

Section 102 makes a series of amendments to present section 610 of title 38, which specifies eligibility for hospital and domiciliary care.

Clause (1) amends present clause (1)(B) of subsection (a) so that any veteran, peacetime or war-time, would be eligible for hospital care for a non-service-connected disability if he is unable to defray the necessary hospital expenses, rather than only war veterans as at present. This provision would provide new eligibility for approximately 150,000 peace-time veterans (generally those whose service ended prior to April 6, 1917, those who served between November 12, 1918 and December 6, 1941, and those who served between January 1, 1947 and June 27, 1950) at an annual cost which the VA estimates as $6.9 million.

Clause (2) replaces the present subsection (c), regarding the provision of medical services to hospitalized veterans for non-service-connected disabilities for which they were not hospitalized. The revised subsection eliminates the requirements that the Administrator make a determination in each such instance that the treatment of the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and would not interfere with the furnishing of hospital services to other veterans. These conditions are needlessly restrictive on professional medical judgment or redundant of such judgment. The revised subsection premises the provision of such medical services only upon the willingness of the veteran and a finding that such services are reasonably necessary to preserve his or her health.

Clause (3) adds new subsections (d) and (e) to present section 610 of title 38, as follows:

New Subsection (d) provides for the furnishing of hospital care, in accordance with regulations prescribed by the Administrator, to the wife and child of a veteran with a total and permanent service-connected disability and the widow and child of a veteran who died from a service-connected disability, as long as the provision of such care does not interfere with the furnishing of hospital and domiciliary care to eligible veterans. This eligibility for hospital care under this new subsection would, by virtue of the new subsection (e) also added to the present section 610, include eligibility for nursing home care in both VA directly-run nursing homes and (under present section 620 of title 38) community nursing homes. (A companion authority to contract for hospital care for such persons is added to present section 601(4)(C) by section 101(a) of the Committee substitute.)

This new eligibility would extend hospital

and nursing home care benefits to approximately 282,000 persons not presently entitled to other Federal health benefits, such as under Medicare, Medicaid and Military Medical Benefits programs (56,100 wives and 78,000 children of veterans with total and permanent service-connected disabilities (total: 134,100) and 57,600 widows and 91,000 surviving children of veterans who died of service-connected disabilities (total: 148,000). The annual cost of this new eligibility is estimated by the VA to be $16.9 million. An identical eligibility is included in H.R. 10880.

New Subsection (e) provides that in no event may nursing home care under chapter 17 of title 38 (as a part of "hospital care" in section 601(5) as amended by 101(b) of the Print) be provided in other than VA directly-run nursing homes except insofar as community nursing home under contract is expressly authorized under present section 620.

Section 103:—Subsection (a) amends present section 612 of title 38 by revising present subsection (f), regarding the provision of medical services for the non-service-connected disabilities of certain veterans. Presently, such out-patient and ambulatory care for non-service-connected disabilities may be provided only on a pre-hospital or post-hospital care basis or to any war veteran with a total and permanent service-connected disability. The revised subsection (f) includes for the first time the language "on an outpatient or ambulatory basis" and makes the provision applicable to service-connected as well as non-service-connected disabilities (thus, a veteran contending his condition was service-connected and did not then require hospitalization could be provided outpatient care if his condition met the "obviate" criterion described in (2) below, without waiting for adjudication of his service-connection claim). The revised subsection also makes the following changes with respect to this authority: (1) makes clear that such services may be furnished "by fee or contract," as well as in VA directly-run medical facilities; (2) authorizes (along lines proposed in the administration bill—section 102 of S. 1924) outpatient care to such veterans when necessary to obviate the need of . . . hospital admission"; (3) authorizes such outpatient care for any veteran, peace-time or war-time, with a 50% or more rated service-connected disability; and (4) authorizes such outpatient care for any person eligible for hospital care, which, under the hospital care eligibility provisions in the revised subsection 610, newly authorizes outpatient care under the terms of revised subsection (f) for peace-time veterans, the wives and children of veterans with total and permanent service-connected disabilities and the widows and children of veterans who died from service-connected disabilities.

Under the new "necessary to obviate" hospital care standard, a veteran with a non-service-connected disability would still be required to complete an oath of inability to defray the necessary expenses of hospital care, pursuant to present section 622 of title 38. According to the VA original report on S. 2354, this provision, which is also included in H.R. 10880, would entail no additional expenditures. The House report, however, provides a VA estimate of $6.7 million.

This revised subsection (f) would increase those eligible for VA outpatient care by approximately 846,000 persons by including 150,000 peace-time veterans, 282,000 wives, widows and children, and 330,000 additional veterans with 50% or more service-connected disabilities. The annual cost for this expansion of eligibility is estimated to be approximately $90.68 million ($4.78 million for peace-time veterans; $8.7 million for wives, widows and children; and $77.2 million for the 50 to 90% service-connected veterans.)

Subsection (b) of section 103 directs the Administrator to submit to Congress, not later than 60 days after the Act's enactment and one year later, a report on the VA's administrative and fiscal experience (to that date) with the new eligibility created in revised present sections 601 (home health care, treating the veteran through his family, and contracts for care for eligible wives, widows and children), 610 (hospital care for peace-time veterans, eligible wives, widows and children, and for conditions arising during hospitalization; direct admission to VA nursing homes for the above new eligible beneficiaries and all eligible veterans), 612(f) (outpatient care where necessary to obviate the need of hospitalization for all those newly eligible under revised section 610 and for veterans with 50 to 90 percent service-connected disabilities, and 628 (reimbursement for non-VA care provided veterans in emergencies in connection with service-connected disabilities).

Section 104:—Subsection (a) amends subsection (a) of present section 620 of title 38, regarding transfer of VA hospital patients to community nursing homes, so as to authorize direct admission (without immediately prior VA hospitalization as is now required) to community nursing homes at VA expense of servicemen from military hospitals if the Service Secretary concerned determines and the Administrator agrees that the serviceman has received maximum hospital benefits and requires nursing home care. A comparable provision is included in H.R. 10880. The VA estimates no material cost increase as a result of this provision.

Subsection (b) of section 104 is purely technical in order to achieve consistency of drafting style.

Subsection (c) of section 104 amends subsection (b) of present section 620 of title 38, requiring VA standards to be established for community nursing homes to which eligible veterans are transferred, by adding a new sentence to require the Administrator to consult the heads of other interested Federal agencies (H.E.W., H.U.D., D.O.D. and so forth) in setting such standards (H.E.W. is undertaking a comprehensive review of nursing home conditions under Medicaid); and to make copies of VA inspection reports available to such agencies and appropriate state and local agencies (this is done only sporadically now).

Subsection (d) of section 104 adds a new subsection (d) to present section 620 of title 38 to authorize direct admission of a veteran to community nursing homes at VA expense of veterans requiring nursing home care for service-connected disabilities after the need for such care is determined by a physician (employed by the VA or performing under contract or free arrangement) based upon an examination of the veteran by such physician. A comparable provision was supported by the VA in its March 28, 1972, report on the Committee substitute, except that the VA provision would have excluded (apparently inadvertently) application of this new procedure in Hawaii and Alaska where the VA does not maintain medical facilities or employ physicians. The revised provision also makes clear that in such states as well as in geographical areas where no VA physician employee is stationed, the examination and determination may be conducted on behalf of the VA by a physician under a contract or free arrangement. The VA estimates that this provision would not result in any additional cost.

Section 105:—Subsection (a) amends present section 626 of title 38, regarding VA reimbursement for VA patients due to fire loss, so as to cover certain personal property loss by earthquake or other natural disaster (flood, windstorm). The VA has produced no cost estimate for this provision, which section 501 of the committee substitute makes retroactive to January 1, 1971, in order to cover the San Fernando, California, earthquake and the Fayetteville, North Carolina, windstorm, both of which occurred in February, 1971, and occasioned considerable patient property loss.

Subsection (b) of section 105 amends the catchline for present section 626 to reflect the revision contained in subsection (a).

Section 106:—Subsection (a) amends present subchapter III (Miscellaneous Provisions) of chapter 17 of title 38 by adding a new § 628 to codify a VA regulation providing for reimbursement of the reasonable value of hospital care and medical services provided to veterans entitled to VA medical care for service-connected disabilities in an emergency when VA facilities were not readily available. A comparable provision was included in H.R. 10880 (section 105). No additional cost should be occasioned by this provision.

The Committee substitute also includes in the reimbursement provisions of the new section authority for reimbursement (without prior authorization) for emergency care provided for any disability (whether or not it could be demonstrated to be service-connected) of a veteran with a 100 percent permanent and total service-connected disability. Under present law, such veterans are entitled to full VA medical care, in- and outpatient, for any disability, either directly in a VA facility or by fee or contract. However, it is not clear that the VA would interpret its contract authority (which itself is not crystal clear in present law—the Committee substitute makes it explicit) to permit reimbursement after expenditures had been made in an emergency situation where no VA hospital or clinic is accessible. And the enactment of section 628, without inclusion of authority to make such reimbursement, might be interpreted to rule out such an expansive interpretation.

The amendment would close this small gap in coverage for the 100% service-connected disabled (it is retroactive to January 1, 1971, to cover any meritorious claims arising since the start of the 92nd Congress). It is not contemplated that appreciable additional expense would be entailed since such so severely disabled veterans tend to remain accessible to VA hospitals for treatment.

Subsection (b) of the new section makes clear the Administrator's authority to make payment directly to the provider of the services rather than to the veteran treated. A comparable provision was not included in the House bill.

Subsection (b) of section 106 amends the table of sections at the beginning of chapter 17 of title 38 to reflect the revisions and additions in sections 105 and 106 of the Committee substitute.

Section 107:—Subsection (a): Clause (1) amends sections 631 and 632 of title 38, regarding grants to and agreement with the Philippines, by striking out these sections and inserting in lieu thereof new sections 631 and 632. The VA estimates the first year cost as $2.1 million and the same for each of the next five fiscal years.

New section 631 authorizes the President to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and certain new Philippine Scouts for service-connected disabilities and for non-service-connected disabilities under certain conditions.

New section 632:—Subsection (a) provides that the President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1972, and ending on June 30, 1978, under which the United States—

(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in VA facilities, (or by contract or otherwise) in

accordance with the conditions and limitations applicable generally to beneficiaries under present section 612 of title 38, for Commonwealth Army veterans the Administrator determines to need such hospital care or medical services for service-connected disabilities;

(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans if the Administrator determines need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

(3) will pay for necessary hospital care at the Veterans Memorial Hospital for new Philippines Scouts for service-connected disabilities, and for non-service-connected disabilities if such veterans enlisted before July 4, 1946, and qualify as veterans unable to defray the expense of necessary hospital care;

(4) will pay for medical services for new Philippine Scouts the Administrator determines are needed for service-connected disabilities as authorized for Commonwealth Army veterans in clause (1) of the new subsection;

(5) may provide for the payment of travel expenses pursuant to present section 111 of title 38 for Commonwealth Army veterans in connection with hospital care or medical services furnished them;

(6) may provide that payments for hospital care and medical services provided to Commonwealth Army veterans or to U.S. veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the VA to the veterans Memorial Hospital at valuations therefor as determined by the Administrator. The Administrator also is authorized to furnish, through the revolving supply fund, pursuant to present section 5011 of title 38, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

(7) may provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

(8) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

Subsection (b) of the new section provides that the total payments under this modified agreement shall not exceed $2 million for any one fiscal year during such period.

Subsection (c) of the new section provides that available beds, equipment, and other facilities at the Veterans Memorial Hospital can be made available at the discretion of the Republic of the Philippines for other persons subject to (1) priority of admission and retention in the hospital of Commonwealth Army veterans needing hospital care for service-connected disabilities, and (2) the use of available facilities on a contract basis for hospital care or medical services for persons eligible therefor from the VA.

Subsection (d) of the new section provides for an authorization of appropriations each fiscal year during the six years beginning July 1, 1972, and ending June 30, 1978, of (1) $50,000 for VA grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel at the hospital and (2) $50,000 for VA assistance to the Republic of the Philippines in replacing and upgrading equipment and rehabilitating the hospital physical plant under terms and conditions prescribed by the Administrator.

Subsection (b) of section 107 amends the table of sections at the beginning of chapter 17 of title 38 to reflect changes made in present sections 631 and 632 of title 38 by subsections (a)(2) and (3) and (b).

Subsection (c) of section 107 provides that nothing in this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Philippines and the Government of the United States resulting from Public Law 89–612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 612 of title 38, in effect, on the day before the date of enactment of this section.

Section 108:—Section (a) adds to chapter 17 of title 38 a new subchapter VI, "Sickle Cell Anemia". This provision (with one technical change) is identical to provisions in section 5 of S. 2676, the proposed "National Sickle Cell Anemia Act", which passed the Senate on December 8, 1972. This section was deleted from the version as it passed the House (incorporating the text of H.R. 13592) on March 22, 1972, and this deletion was agreed to by the Senate on April 17, 1972, in returning the bill to the House with an amendment. Comparable language is under consideration in the House Veterans' Affairs Committee in H.R. 11971.

Section 651 in the new subchapter:—Subsection (a) authorizes the Administrator of Veterans' Affairs to offer all veterans receiving hospital or domiciliary care or medical services, and those receiving benefit eligibility examinations, screening examinations to detect those persons with the sickle cell trait or with sickle cell anemia; to provide such veterans with full information concerning the nature and inheritance of the disease as well as the availability to them of such screening examinations; and to provide such examinations to veterans upon their request. The VA estimates the first year cost as $2.3 million with a five year cost of $10.5 million.

Subsection (b) of the new section authorizes the Administrator to provide counseling, hospital care and/or medical services for those veterans identified by Veterans' Administration programs to be in need of such care and to provide, upon request, screening and counseling to such veterans' spouses.

Subsection (c) of the new section directs the Administrator to ensure that all veterans benefits recipients receive full information as soon as possible regarding sickle cell trait or anemia and where they may receive screening and treatment for such trait or disease.

Section 652 in the new Subchapter directs the Administrator to carry out a sickle cell anemia research and research training program for which $3 million, $4 million, and $5 million are authorized for appropriation for the fiscal years 1973, 1974, and 1975, respectively.

Section 653 in the new Subchapter:—Subsection (a) specifies that any person who participates in any of the sickle cell anemia programs under the new subchapter (including the research program by cross reference in new section 652) shall do so only on a voluntary basis, and that such participation shall not be a condition for receiving service or assistance from programs to which the participant may otherwise be entitled under title 38.

Subsection (b) of the new section directs the Administrator to ensure the confidentiality of all information and patient records obtained from sickle cell anemia programs conducted under the new subchapter.

Section 654 in the new Subchapter:—Subsection (a) directs the Administrator to submit a report to the Congress and the President by April of each year fully describing the administration (including expenditures under) of the new subchapter.

Subsection (b) of the new section directs the Administrator to include in the report recommendations for any additional legislation concerning the new subchapter.

Subsection (b) of section 108 amends chapter 17 of title 38 to list the titles of sections added.

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

Section 201 amends present section 4101 of title 38, regarding functions of the Department of Medicine and Surgery (DM&S), by adding new subsections (c) and (d).

New subsection (c) directs the Administrator to study and implement studies for new and improved methods of providing care, including reassignment of duties among health personnel, establishing new positions (such as physicians' assistants), stressing programs of continuing education (with arrangements for academic credit), providing maximum upward and lateral mobility, and using electronic and automated devices. The Administrator is also directed to conduct a major recruitment, training and employment program for veterans with medical MOS's to become physicians' assistants, advising all such veterans who served during the Vietnam era and servicemen about to be discharged of the training and employment opportunities available in and supported by the VA and benefits to which they are entitled under the GI bill—chapters 31, 34 and 35 of title 38.

New subsection (d) directs the Administrator to establish for every VA hospital an optimum index hospital(s) in the area for staff-to-patient ratios for each VA hospital service (such as surgery) and to achieve the index ratio for each such service within three years of enactment of the proposed Act. An annual report is required not more than 60 days after the close of each fiscal year showing the established index ratios for each VA hospital service and the extent of progress toward achieving these ratios.

Section 202 amends present section 4103 (a) of title 38, which specifies the personnel in the Office of the Chief Medical Director, to make changes included in the administration bill (section 202 of S. 1924) and H.R. 10880 (Section 202): providing in paragraph (4) of the present subsection authority for appointment of two additional (six authorized now) Assistant Chief Medical Directors (ACMD's) (VA estimated cost $80,000 per year) not more than two of whom may be lay administrators (the administration proposal, due to a technical error, used the words "at least"), and in paragraph (7) of the present subsection, upgrading the Chief Pharmacist and Chief Dietician to Directors of Services. H.R. 10880 added a "Chief Optometrist," a new position under the Chief Medical Director, which in the Committee substitute is changed to "Director of Optometry" in order to create comparability among these three health professions. (Under the new Section 4103 Schedule in section 206 of the Committee substitute, all three positions would be compensated at the same level—$29,678 minimum of $37,590 maximum).

Section 203 amends clause (1) of present section 4104, authorizing appointment of additional health professional personnel, to include physicians' and dentists' assistants in that clause specifically.

Section 204 amends present section 4105 of title 38, specifying qualifications of appointees to include appropriate references to physicians' and dentists' assistants in subsections (a) and (b) of that section. The Administrator is charged with setting the qualifications and experience for these new positions.

Section 205 adds at the end of present section 4106 of title 38, regarding period of appointments and promotions, a new subsection (f) including by reference physicians' and dentists' assistants under the provisions of that section.

Section 206:—Clause 1 revises subsections (a) and (b) of present section 4107 of title

38, establishing title 38 DM&S grades and pay scales (for DM&S officers; physicians, dentists, and nurses), along the lines in the administration bill (section 203 of S. 1924) and H.R. 10880 (section 203). Basically, the amendment reflects current practice under the two recent Federal pay increases. In addition, the Director of Nursing is upgraded to the level of Medical Director grade (G.S. 17)—same as Directors of DM&S Services (such as Psychiatry); the Directors of the Chaplain, Pharmacy and Dietetic Services are upgraded from the equivalent of G.S. 15 to 16; and a new Nurse Schedule grade is established—Director grade—comparable to the Chief Grade in the Physician and Dentist schedule, all recommended by the VA (at an annual cost estimate of $57,000). Establishment of the Director grade is intended to recognize the difficult managerial and professional responsibilities inherent in the position of Chief Nurse in the very largest and most complex VA hospitals, and in the position of the top program officials in the headquarters Nursing Service in the Department of Medicine and Surgery. Such responsibilities inherent in other chief nurse and managerial nurse positions can be similarly recognized as appropriate, by use of existing grades in the Nurse Schedule.

The newly created position of Director of Optometry is paid on the same level as the Directors of the Pharmacy and Dietetic Services; and the prohibition in subsection (b) (2) of the present section 4107 on persons who are eligible to hold the director grade (directors of VA hospitals, domiciliaries, centers, or independent outpatient clinics) is made applicable only to the Physician and Dentist Schedule so as to carry out the purpose of the new Director grade in the Nurse Schedule—for the Chief Nurse in large hospitals—as recommended by the administration.

Clause 2 of section 206 adds at the end of present section 4107 of title 38, regarding grades and pay scales, five new subsections as follows:

New subsection (d) provides for compensation of physicians' and dentists' assistants by use of the Nurse Schedule, thereby establishing a minimum starting salary of $8,153 (Junior grade).

New subsection (e) specifically applies to title 38 salaries the limitations—salaries in excess of $36,000 limited to $36,000 until pay for level V of the Executive Schedule is raised—of 5 U.S.C. 5308. A comparable provision is included in the administration bill (section 203(b) of S. 1924) and H.R. 10880 (section 203(2)).

New subsection (f) establishes overtime and premium pay benefits for VA nurses (made applicable to VA L.P.N.'s and N.A.'s by paragraph (9) of the new subsection) generally comparable to those now available to General Schedule and Wage Board employees. Similar provisions are included in the administration bill (section 204 of S. 1924) and H.R. 10880 (section 204), which have identical provisions on this score. Variations are noted in the description that follows:

Paragraph (1) of the new subsection establishes the basic eligibility for specified pay in addition to basic compensation.

Paragraph (2) of the new subsection (Night Duty):—10% of the employee's basic rate added for each hour between 6 p.m. and 6 a.m. except that if at least four hours of a tour (generally 8 hours of work per full tour) fall within those hours of the night tour (for example a 3:30 p.m. to 12 midnight tour), all hours of that tour would be paid at the extra 10% rate. This four-hour rule is now applicable to wage board, but not G.S. employees, so that making this available to L.P.N.'s and N.A.'s would entail an improvement in benefits now available to them under the G.S. The VA's estimate of additional cost is $8.768 million for the night shift differential for R.N.'s in the Committee substitute. (It should be noted that the administration proposal seems to exclude the night nurse working overtime from the additional 10%—i.e., 150% instead of 160% by use of the language "for each hour of service not exceeding eight hours," whereas the provision in the Committee substitute would clearly provide for 160%, as do present G.S. authorities.)

Paragraph (3) of the new subsection (Sunday Duty):—25% of the employee's basic rate added for each hour worked on a tour any part of which falls between midnight Saturday and midnight Sunday. The administration proposal, apparently this time following G.S. precedent, would clearly preclude 175% for Sunday overtime, whereas the Committee substitute provison would allow it by deleting "which is not overtime work" and the same eight-hour tour limitation discussed in new paragraph (2), above. The VA estimate of the annual cost of this provision in the Committee substitute is $4.284 million.

Paragraph (4) of the new section (Holiday Duty):—100% of the employee's basic rate added for each hour worked on a Federally-declared holiday. For overtime work on a holiday, in conjunction with paragraph (7), the full 100% additional would be paid, rather than only 50% additional for holiday overtime, which is the incongruous and inequitable effect—reducing pay when the nurse goes on overtime on a holiday—proposed by the administration and paid under the G.S. A provision has been added to specify that a nurse required to perform any work on a holiday shall receive at least two hours double pay (now provided in 5 U.S.C. 5546(c) for G.S. employees). The VA estimate of the annual cost of this provision in the Committee substitute is $2.966 million.

Paragraph (5) of the new section (Overtime Duty):—150% of the employee's basic rate used for computation for each hour in excess of eight per day or forty per administrative workweek but the basic rate cannot be above the minimum rate of Intermediate grade in the Nurse Schedule (equivalent of G.S. 11—although G.S. 10, Step 1, is the limiting salary base under the General Schedule); overtime does not begin until at least 15 minutes is worked; compensatory time off is not permitted as it is under the G.S. system; and any new work on a non-work day or call-back shall be a minimum of time-and-a-half for two hours. This whole provision is identical to the administration proposal, with a VA annual cost estimate of $2.323 million.

Paragraph (6) of the new subsection specifies the basis for computing the basic hourly rate (dividing annual salary by 2080). This is identical to the administration bill.

Paragraph (7) of the new subsection makes clear that the additional pay provisions of new paragraphs (2) through (5) are to be applied independently and consecutively, except that holiday overtime and holiday non-overtime work are both paid the same (200%). There is no comparable administration provision.

Paragraph (8) of the new subsection (On Call):—10% of the employee's basic overtime rate (150% of the employee's basic rate not to exceed Intermediate grade, Step 1) added for each hour officially scheduled on call. There is no comparable provision in the administration bill or G.S. now, although serious consideration has been given to it. A survey of available data on large city hospital pay practices for on-call time indicates the proposed provision in the Committee substitute is in step with private practices in this area. The VA estimate of annual cost is $2.069 million.

Paragraph (9) of the new subsection makes the premium pay and over time provisions applicable to L.P.N.'s and N.A.'s on the theory that workers working side-by-side and often performing almost the same tasks should receive the same differential pay. There is no comparable provision in the administration bill. This would constitute a change in premium and differential pay from present G.S. rates for L.P.N.'s and N.A.'s in the following respects: (1) applicability of the four-hour rule for night shifts; (2) paying overtime during Sundays at 175%; (3) paying overtime for holidays at 200%; (4) prohibiting compensatory time off; (5) applying the 15 minute pre-overtime rule, and (6) providing for on-call pay.

Paragraph (10) of the new subsection provides that additional pay under this new subsection will not count as basic compensation for lump-sum leave payments, severance pay, and other benefits relating to basic compensation. There is an identical provision in the administration bill as a paragraph (7) in a new subsection (d) to be added to present section 4107.

New subsection (g) of the new section entitles physicians' and dentists assistants to the additional pay provided for nursing personnel in paragraphs (2) through (8). No cost estimate was provided by the VA.

New subsection (h) of the new section directs the Administrator to raise pay to the maximum permissible levels for VA health care professionals when needed to recruit a scarce specialty due to high-paying competition or the remoteness of the VA facility. There is similar Government-wide authority reposing in the Civil Service Commission. This could be of very substantial assistance in recruitment. The VA estimate of annual cost is $13 million.

Section 207 amends present section 4108 of title 38, regarding the setting of hours and conditions of work for physicians, dentists and nurses, to add physicians and dentists' assistants under the title 38 DM&S personnel system.

Section 208 amends present section 4109 of title 38, regarding retirement rights, to update the statutory reference in view of the codification of title 5, United States Code. This provision is in H.R. 10880 (section 206).

Section 209:—Clause 1 amends present section 4114(a) of title 38, regarding temporary, full-time appointments of health personnel, to raise the time limit of such appointments from 90 days to one year for health personnel generally (except trainees), just as it is for physicians, dentists, and nurses. This provision is included in the administration bill (section 205 of S. 1924) and H.R. 10880 (section 207) and would entail no significant increase in expenditures.

Clause (2) of section 209 amends present section 4114(b) of title 38, regarding residency and internship appointments, by adding a new paragraph (2) providing for central administration of internships and residencies. in a form virtually identical to that which was first introduced by Senator Cranston (S. 2623) and passed by the Senate as a part of S. 9634, both 91st Congress. This provision was proposed by the administration and passed the House in H.R. 10879, with a VA estimate of no additional cost.

Clause (3) of section 209 adds a new subsection (c) to present section 4114 to title 38 to require that full-time training programs for veterans to be physicians' and dentists' assistants be treated as a full-time institutional program $175 per month for a single veteran), the same as are internship and residency training programs (by virtue of an administrative ruling) under chapter 31, 34 or 35 for purposes of GI bill benefits. Measurement of such training program as less than full-time under the GI bill would be permissible only when the combined classroom (and other formal instruction) and OJT portions of the training program totalled less than 30 hours per week (a figure drawn from present 1684(a)(5) in chapter 34 of title 38 regarding measurement of OJT full-time programs under the GI bill). This provision is designed to make physicians' assistant training more attractive to veterans with medical

MOS's. No cost estimate has been provided by the VA, but it is unlikely to be appreciable.

Section 210 amends present section 4116 of title 38, regarding defense of certain malpractice and negligence suits against the U.S. arising out of actions of certain VA health care personnel and were included in the administration bill (section 206 of S. 1924) and in H.R. 10880 (section 208) at no additional estimated cost, to clarify and extend this protection to cases where Federal Tort claims action would not lie but actions could still be brought against the VA employee personally for actions arising in the exercise of his duties; to authorize the Administrator to provide insurance for these purposes; and to add specification of physician's and dentists' assistants. Virtually identical provisions were added to the Public Health Service Act by PL 91–623 in 1970 and were included.

Section 211 amends present section 4117 of title 38, authorizing contracts for scarce medical specialist services, to clarify that the authority extends to "any group or individual capable of furnishing" the necessary services. This provision is included in the administration bill (section 207 of S. 1924) and H.R. 10880 (section 209), with a VA estimate of no additional cost. Reference to physicians' and dentists' assistants is added to the Committee substitute.

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Section 301:—Subsection (a) amends present section 5001 of title 38, regarding hospital and domiciliary functions, in three respects:

Clause (1) in the subsection amends paragraph (2) to require the Administrator to maintain an annual average of 97,500 operating beds and an average daily patient census (ADPC) of 84,000 in fiscal year 1973. A similar provision (for an ADPC of 85,500) is included in the VA appropriation for FY 1972.

Clause (2) in the subsection amends paragraph (3) to raise the nursing home care beds authorization from the present minimum (4,000) to a maximum of 8,000 by FY 1974 (6,000 presently in operation) to be maintained thereafter.

Clause (3) in the subsection amends paragraph (3) of the present subsection to encourage the conversion of hospital beds to nursing home care beds when not being adequately used for hospitalization and found to be structurally secure; and continue to count the converted bed in the hospital care bed maximum (125,000).

Subsection (b) of section 301 revises subsection (b) of the present section 5001 of title 38, requiring fireproof construction of VA hospitals and domiciliaries, to require the Administrator to make fire, earthquake, and other disaster resistance studies, to ensure that all new construction and new acquisitions must meet new safety standards he is directed to prescribe; and to provide for the appointment of an intra-agency Advisory Committee on Structural Safety in VA Facilities.

Section 302 amends present chapter 81 (Acquisition and Operation of Hospital and Domiciliary Facilities) of title 38, as follows:

Clause (1) of section 302 adds to chapter 81 of title 38 a new section 5007 (Partial Relinquishment of legislative jurisdiction), which authorizes the Administrator to cede concurrent jurisdiction over VA lands and interests to the State where located. This provision is based on the administration bill (H.R. 481) which passed the House, but would not permit, as that bill would, total relinquishment of jurisdiction to a State. Rather, the Committee substitute permits only the ceding of concurrent jurisdiction, as did P.L. 91–45 ceding concurrent jurisdiction over the Fort Harrison, Montana, VA Center real property, thereby maintaining a clear and continuing Federal control over VA land and buildings situated thereon. The VA estimates that this provision would entail no additional cost.

Clause (2) of Section 302 amends present chapter 81 by inserting at the end of subsection (c) of present section 5018 of title 38, regarding leasing for up to three years of lands or buildings under VA control, a new sentence exempting such leases from 5 U.S.C. 41, which requires advertising for leases above $500, and from provisions of 40 U.S.C. 303b which bar lease provisions calling for property maintenance as part of the consideration for the rental. These provisions are included in the administration bill (section 301 of S. 1924) and H.R. 10880 (section 301). An additional sentence is added in the Committee substitute, as in H.R. 10880, to require the Administrator, prior to execution of such a lease, to give appropriate public notice in local newspapers of his intention to execute such a lease.

Clause (3) of Section 302 amends the table of sections at the beginning of present chapter 81 by inserting reference to the new section 5007 added by clause (1) of section 302 of the Committee substitute.

Section 303:—Subsection (a): Clause (1) amends present section 5053(a) of title 38, authorizing arrangements for the sharing of specialized medical resources between VA and community hospital facilities, by making clear that these arrangements may also be made with "medical schools or clinics". This provision is included in the administration bill (section 302(a)(1) of S. 1924) and H.R 10880 (section 302), and would, along with the other two clauses added, entail no additional cost, according to the VA estimate.

Clauses (2), (3) and (4) of subsection (a) amends present section 5053(a) by adding a new paragraph (3) to authorize arrangements with community medical facilities for them to use VA hospital beds, with supporting services, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity. The effect of this amendment is similar to a provision in the administration bill (section 302(a)(2) of S. 1924) which added a new section 5053A (Use of excess hospital beds). However, the provision in the Committee substitute is very much more restrictively drawn than the administration provision in five respects: (1) it limits sharing of VA beds to those originally justified for the care of veterans hereby prohibits using such sharing as a justification for adding beds; (2) it makes contracts or agreements for such arrangements subject to present subsection (b) of present section 5053, as recommended in the October 20, 1971, report on S 1924 from the Comptroller General, which requires that there be reciprocal reimbursement based on the full cost of services and supplies provided with normal depreciation and amortization costs of equipment and credit amounts so received by the VA, to its (medical care) appropriation; (3) it adds three additional restrictions described below under Clause (3).

Clause (6) of section 303 adds a new subsection (d) to present section 5053 of title 38 to prohibit the Administrator (1) from entering into any excess bed contract or agreement (or renewal thereof) unless, 30 days in advance of execution, he provides a copy of the proposed contract or agreement to both Veterans' Affairs Committees in Congress; (2) from entering into any such agreement for more than a year at a time; and (3) from renewing any such agreement (or making a new one with the same institution) until after it has submitted to both Congressional Committees a full report (including the effect on eligible veterans' treatment) of the prior sharing arrangement with such facility. The limitations in this new subsection with respect to a one-year limitation on such arrangements and with respect to renewals of such arrangements are not intended and should not be construed to call for, or in any way authorize any interruption in the continuity of care of particular patients covered by such arrangements.

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

Section 401 amends subsection (b) of section 230 of title 38, regarding VA central and regional offices, to extend the termination date of the Administrator's authority to maintain a regional office in the Republic of the Philippines from July 3, 1974, to June 30, 1978. The VA estimates the first year cost (FY 1974) as $975,000 and the same for each of the next four fiscal years.

Section 402:—Subsection (a) amends present section 234 of title 38, regarding telephone services for medical officers, to permit installation in private residences for official use of a telephone for nonmedical directors of VA centers, hospitals, and independent clinics and domiciliaries; presently, such installation may be made only for physician directors. This provision is included in the administration bill (section 401 of S. 1924 and H.R. 10880 (section 401), and the VA estimate of annual cost is $3,000.

Subsections (b) and (c) of section 402 amend the table of sections at the beginning of present chapter 3 and the catchline at the beginning of present section 234 of title 38 to change the catchline of section 234 to reflect the amendment made in subsection (a)(1) of section 401 of the Committee substitute.

Section 403 amends a number of sections of title 38—section 644(b), authorizing appropriations for VA grants to states for remodeling and altering state veterans homes; sections 5035(a)(1), (b)(1), and (d), all regarding VA grants to states for construction of state home facilities providing nursing care to war veterans; and section 5036, regarding recapture of the VA-assisted portion of such homes which cease to be operated principally for the care of veterans—to raise from 50 percent to 65 percent the permissible VA share of the cost of the proposed state home project. This provision is contained in an administration legislative request transmitted to Congress on February 15, 1972, and $2.7 million is included in the President's budget to permit the VA to pick up the extra 15% of the project costs.

TITLE V—EFFECTIVE DATES

Section 501 makes all provisions of the proposed Act effective on the first of the month following enactment except for sections 105 (reinbursement for loss of personal effects in natural disaster) and 106 (reimbursement for certain emergency medical expenses), which are made retroactive to January 1, 1971, and section 205 (pay and grade schedules and new premium and overtime pay), the provisions of which become effective beginning with the first pay period following 30 days after enactment.

Mr. CRANSTON. Mr. President, there were a number of provisions in S. 2354 as I introduced it which were not included in the committee substitute under consideration today. For the record, I would like to explain briefly the reason for our deletion of these provisions.

The original provisions in section 103 of S. 2354 would have authorized virtually full outpatient care for the non-service-connected disability of any veteran unable to pay who had any service-connected disability, for wives, widows, and children made eligible for hospital care under the committee substitute, and for the non-service-connected disability of any other veteran who needed prompt

medical attention—except for minor first aid or dispensary services. This provision was deleted as prohibitively costly in view of the VA annual estimated cost of $1.7 billion.

Also, the provision in the original S. 2354—section 206(3)—to grant civil service retirement credits to VA physicians for time spent in residencies and internships, similar to the way such time is counted for military service retirement, was dropped in committee as probably not of significant assistance to recruitment. And a provision in the original bill—section 206(f)—to add up to 20 percent of base salary for physicians performing administrative duties was dropped as unnecessary and possibly inequitable.

In addition, Mr. President, a provision which was included in H.R. 10880 as it passed the House—section 205—would have severely restricted the ability of VA hospital staffs to establish effective continuing relationships with the staff of an affiliated medical school or other health care manpower training institution.

This House provision prescribes the circumstances under which physicians, dentists, or nurses may perform professional services other than those performed as full-time employees of the Veterans' Administration and prohibits payments for such services. Many of these restrictions are in effect currently as a result of VA regulations similar to the provisions of the House section.

The subcommittee did not include this provision in the committee substitute after having received very impressive comments in opposition from representatives of medical schools and from the Veterans' Administration. The VA agency report on H.R. 10880 states:

This section would place into law the existing administrative prohibition against outside professional activities of physicians, dentists, and nurses employed on a full-time basis in the Department of Medicine and Surgery. Specifically, such employees would be barred from: (1) assuming responsibility for the medical care of anyone other than a patient being treated under laws administered by the Veterans Administration, except where such individuals, upon request and with the approval of the Chief Medical Director, performs professional services for communities or medical practice groups to meet medical needs which would otherwise not be available (such service to be limited to 180 days unless extended by the Chief Medical Director for a second period not to exceed 180 days); (2) teaching or providing consultative services at any affiliated institution where such teaching or consultation would conflict with his duties within the Department of Medicine and Surgery; (3) accepting payment for professional services rendered under medicare and medicaid; and (4) accepting travel pay or per diem from any source which would be in addition to or supplement allowances authorized him by chapter 73 of title 38 or under provisions of title 5.

In addition, this section would also prohibit such full-time employees from requesting or permitting any individual or organization to pay his malpractice insurance premiums or his medical, dental, or other professional association dues or membership fees for him, and from performing professional services for the purpose of generating money for any fund or account maintained for the benefit of an affiliated institution or such individual's account. Where such a fund or account is already established, the affiliated institution is required to report on a quarterly basis to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and in no event is such an individual permitted to receive any cash from such fund or account on or after the effective date of this prohibition.

The procedures which would be instituted by this section of the bill are similar in purpose to those which were instituted by VA Circular 00–70–22, dated June 3, 1970.

In view of that administrative action, we do not believe that the enactment of this section of the bill is necessary. . . .

Mr. President, the Association of American Medical Colleges strongly objected to these provisions as creating an element of inflexibility in an area which should be able to adjust quickly to medical needs. It was the opinion of the AAMC that the purposes of the basic House provision were adequately served by existing VA regulations.

In addition, comments were received from several professionals holding joint appointments in VA hospitals and in medical schools, in which examples of situations which might arise should these regulations be enacted are described.

Mr. President, I ask unanimous consent that communications received by my staff from the Association of American Medical Colleges and from other individuals on this matter be inserted in the RECORD at this point.

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

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, D.C., January 21, 1972.

Mr. JONATHAN R. STEINBERG,
Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR JON: This is to reply to your December 15 letter asking for the Association's views on section 205 of H.R. 10880 as passed by the House.

Section 205 of H.R. 10880 as passed by the House would expand present law on personnel administration in the Department of Medicine and Surgery of the Veterans Administration by setting forth in statutory language a series of limitations on outside activities of full-time VA physicians, dentists and nurses. The report on H.R. 10880 from the House Committee on Veterans' Affairs, which you were good enough to send me, points out that the limitations "are now generally contained in administrative regulations."

I have reviewed the legislation with members of the Association staff and with a number of medical schools which have affiliation agreements with VA facilities. On the basis of these reviews, I must recommend against enactment of the legislative restrictions contained in section 205 of H.R. 10880.

My recommendation against enactment in statutory form of the proposed restrictions is based on a number of reasons. Perhaps foremost among the reasons is an awareness of the variety of educational techniques currently being explored by the nation's medical schools, the vast differences among various techniques, and the speed with which the techniques are altered as experience is gained and new opportunities are sensed. Certainly another important reason is the essential need—in connection with VA medical personnel retention and career advancement—for broad opportunities for the VA-employed medical school faculty member to participate in the entire range of activities normally underway in an academic health center. Finally, a third reason is that presently effective administrative regulations against certain outside activities guard against clearly undesirable arrangements and practices.

I recognize the need for, and support completely, appropriate actions by the Veterans' Administration to forestall any abuse of VA medical facilities and to preserve the capability of VA medical personnel to perform the primary function of the Department of Medicine and Surgery in providing complete medical and hospital service for the medical care and treatment of veterans. I do believe, however, that the VA is adequately protected on both these fronts through existing regulations and statutory declarations. The enactment of further statutory restrictions on outside activities of VA medical personnel, as proposed in section 205 of HR 10880, could place unintended hurdles in the way of American medical education and of the career development of VA medical personnel.

I could not help but note, in reviewing the provisions of the House-passed legislation, the omission of language similar to section 205 from two other VA medical care bills pending before the Senate Committee on Veterans' Affairs. Neither an Administration-supported measure, S. 1924, nor Senator Cranston's own measure, S. 2354, contains such restrictive language. This fact, together with other considerations, leads the Association to favor these legislative proposals over HR 10880. As the Association pointed out in August 4 testimony before the Subcommittee on Health and Hospitals, it can comment generally on any of these proposals only to the extent to which they deal with medical education. The Association is encouraged by the steps proposed to be taken in these bills to increase the mutual, education-patient care benefits of the VA-medical school relationship.

For the opportunity to comment on section 205 of HR 10880, I am deeply grateful. I and the staff of the Association stand ready to provide any further assistance that you may request.

With best regards,
JOHN A. D. COOPER, M.D.

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO MEDICAL CENTER, SCHOOL OF MEDICINE, OFFICE OF THE DEAN

January 25, 1972.

Chancellor PHILIP R. LEE:

The following is in response to the inquiry of Jon Steinberg regarding Section 205 of H.R. 10880, pages 12, 13, and 14:

Subparagraphs a, 1, 2, 3, and 4, pose no problems. They are currently in effect under the provisions of VA Administrative Circular 00–70–22 dated June 3, 1970, a copy of which is attached.

Subparagraphs 5 and 6 will seriously impair existing Medical School-VA relationships and should be categorically opposed.

For example, the School of Medicine's malpractice policy now covers all faculty members for any legal action arising as a result of his performance of assigned duties as a faculty member. Part of the responsibility of VA paid full-time faculty members is to make attending rounds on various services at UC and SFGH. Such faculty members would be extremely loathe to make attending rounds in the absence of such insurance coverage against malpractice under the University policy. The provisions of Subparagraph 5 would prohibit this.

Although not currently the practice in our School, many schools provide, as a fringe benefit, payment of dues in professional societies. Subparagraph 5 would prohibit this.

Subparagraph 6 is also highly objectionable. Currently, in the School of Medicine, when VA physicians make attending rounds at UC or SFGH billable services are billed in

the name of the department chairman and are collected by the Professional Services Fund of that department. Subparagraph 6 might, depending on how it is interpreted, prohibit this. This provision would be especially destructive to VA-Medical School relationships in many schools.

CHARLES T. CARMAN, M.D.,
Associate Dean, Chief of Staff, VAH, Fort Riley.

STANFORD UNIVERSITY
MEDICAL CENTER,
Stanford, Calif., February 4, 1972.

Mr. JONATHAN R. STEINBERG,
Counsel, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR JON: First of all, regarding Section 205, Para. 4108 of H.R. 10880, my impression is that some substantially important items have been mixed in with some rather petty ones. Secondly, my opinions that follow should be judged within the framework of my strong advocacy of a "true" full-time system, whether it applies to the University or to the Veterans Administration. Thirdly, it is my global impression that the legislation represented by 4108 is generally unduly restrictive and appears to be based on an overreaction to individual abuses of privileges as it regards such petty restrictions, as exemplified by Paras. 4 and 5 in Section a, and by lack of foresight as it applies to 1 and 6.

Para. 2 concerning teaching and consultation at any affiliated institution seems reasonable but will be obsolete when we evolve an effectively operational total medical system. Insofar as Para. 3 is concerned, I do not have enough reference information to answer knowledgeably.

Although I hardly think that Para. 4 and 5 are worthy of any further discussion, let me give you hypothetical situations in which they are unduly restrictive. As to Para. 4, a full-time Veterans Administration employee, who also has an appointment on the faculty of our University travels to a meeting with two of his professorial colleagues on the University payroll who are being paid for such travel by the University. For purposes of overall efficiency, they choose to stay at a specific hotel in which the cost of rooms would bring the daily bill $3.00 above the per diem of the professor who is a full-time physician employee of the Veterans Administration. The University would be very glad to pay that additional $3.00 cost. Para. 4 would prevent him from accepting it. Another example somewhat similar might be a full-time Veterans Administration physician with a faculty appointment on official Veterans Administration leave to give a paper within his authorized per diem, but only $300.00 exists in the Veterans Administration kitty for that purpose. The trip costs $400.00 and it is in the interests of the University, as well as to the prestige of the Veterans Administration that this professor be at the meeting. The University has $100.00 in funds which it is delighted to add to cover the costs of the trip. Why should the man be prevented from utilizing such funds?

Para. 5—specifically the second clause—is, in my opinion, patently over-restrictive and without, I think, adequate rationale.

In regard to Paras. 1 and 6, the ethic is clear insofar as prohibition of personal acceptance of payment for the services rendered is concerned. They would be rightfully tabu under the Section 4104 compensation schedules. However, as it relates to Para. 1, it seems to me that having to go to the Chief Medical Director is having to go too high in the heirarchy for permission. Who is better equipped to know what the unmet medical needs of a community are than those immediately present where the unmet need is occurring? In order to be more reactive to rapidly fluctuating situations (both in the on and off direction) the local Veterans Administration Hospital Director's approval would seem sufficient. To carry Para. 1 to its natural absurdity, let's assume a catastrophe such as the relatively recent Los Angeles earthquake, but one in which the communications to the Chief Medical Director were destroyed for 36 hours, would not under Para. 1 professional personnel have to sit on their hands pending the request and approval of the Chief Medical Director?

Now to Para. 6. It is my opinion that service is a spinoff of all clinical teaching and where a legitimate bill can be rendered, it should be. Funds so gathered might well be used to further enhance teaching.

In summary, then, 4108 is, in my opinion, undoubtedly too restrictive. If the Veterans Administration Hospitals are to provide leadership for systematization of the main stream of medicine and eventually become the major element in the Hospital bulwark of a national health service system, then the Veterans Administration Medical Department must more flexibly relate to the community than would be permitted by 4108. More immediately, Paras. 1 and 6 would have profound and obvious adverse effects on the ability of the full-time Veterans Administration staff to perform adequately as faculty members at this time in the development of our health services, given the current patterns of funding of health care, education and research. Paras. 4 and 5 would have more of an annoying fruit fly in the fruit bowl effect.

I hope this information is of use to Senator Cranston and you in the preparation of legislation on this matter.

Sincerely,
THOMAS A. GONDA, M.D.,
Director.

UNIVERSITY OF CALIFORNIA,
Los Angeles, Calif., January 7, 1972.

Mr. JONATHAN STEINBERG,
Office of Senator Cranston, Federal Building, 11000 Wilshire Boulevard, Los Angeles, Calif.

DEAR JON: Many thanks for your inquiry of December 15, 1971, regarding Section 205 of H.R. 10880. I am sorry to be so late with this reply. I have been engulfed by a flood of problems.

In my view the central problem in this Section 205 is the prohibition against paying physicians from medical school funds. While I understand some of the difficulties which may have given rise to this portion of the bill, I can assure you that such a blanket interdiction would simply make it far more difficult for many schools of medicine, including UCLA, to fortify and enhance their joint efforts with the Veterans Administration to provide excellent patient care in V.A. Hospitals. The whole intention of the "Dean's Committee" relationships since General Bradley initiated his critical reformation is optimal cooperation between the schools of medicine and the Veterans Administration. This relationship would be imperiled by this proposed legislation.

With best wishes,
Sincerely,
SHERMAN M. MELLINKOFF, M.D.

Mr. CRANSTON. I believe these comments indicate the possible difficulties which could arise affecting the relationships between VA hospitals and their affiliated medical schools, should the House provision be enacted. The relationships between VA hospitals and outstanding medical centers have been of mutual benefit to both parties in their pursuit of improved medical techniques and have been of particular benefit to the veteran patient who in such instances receives medical care from the highly skilled professionals who are attracted to the VA hospital which has a medical school affiliation.

Mr. President, the care of the veteran must be the primary criterion on which any legislation is based. I have grave doubts that including these provisions in the law would meet this criterion, and am fearful such an action would have the opposite effect. For that reason, I recommended against inclusion of this language in the committee substitute.

Mr. President, during committee consideration of S. 2354 I proposed one amendment which was not unanimously agreed to, although most members of the committee approved of it. This amendment was based upon the legislation proposed by the Civil Service Commission on June 8, 1971, to permit, during a major reduction in force in a department or agency, the optional retirement on reduced annuity of a Federal employee with at least 25 years of service, or, after becoming 50 years of age, with at least 20 years of service.

The generic bill to carry out the administration's recommendation is still pending before the House and Senate Post Office and Civil Service Committee—H.R. 9303 and section 1 of S. 3380.

Under my proposed amendment, the policy recommended by the administration would have been applied to the VA in a very limited set of circumstances; that is, only when a VA medical facility or an organizational segment thereof is being closed or relocated as a result of damage due to a natural disaster or of the failure of such hospital to comply with fire, earthquake and other natural disaster resistant construction standards prescribed by the Administrator.

Such a provision would be of great assistance not only to VA employees who are being "bumped" as a result of RIF's brought about by such closings or relocations but would be of real assistance to communities—especially smaller ones—where such closings occur. A side benefit would be enhancing the VA's future effectiveness by helping to retain younger employees, since RIF's have the effect of separating the younger employees first.

The basic benefit of such an amendment would be to permit those being affected by the RIF to, in accordance with appropriate seniority, take the jobs of those who elect early retirement under the new procedure. Presently, an employee who is not otherwise eligible for optional retirement but who is at least 50 years old and with at least 20 years service—or with 25 years service regardless of age—may retire on reduced annuity if he is involuntarily separated, as when he is reached by a RIF. However, such an employee at a station not directly affected by the RIF is not eligible to retire even if he wishes to do so; extension of retirement eligibility to this latter employee would permit the retention of another employee at a station affected by a RIF who wishes to continue work.

Mr. President, this provision would have been of great benefit in California where 2,432 beds at three VA hospitals have been eliminated and where hundreds of employees were offered the unsatisfactory option of transfers to VA facilities great distances from their present homes due to the evacuations neces-

sitated by the closing of certain VA facilities found to be unsafe in the event of earthquake. Approximately 45 employees who would not or could not accept such transfers were separated as of April 15. At my request, the VA has agreed to place these individuals on a special hiring priority list at the three nearby VA hospitals to be notified and hired as soon as there is an appropriate vacancy by retirement or otherwise.

I deeply regret that this amendment was not able to be agreed to even though it was acceptable to the chairman and ranking minority member of the Post Office and Civil Service Committee. Because of my concern that our subcommittee and the full committee act in a unanimous, bipartisan manner on veterans health and other legislation, I decided not to press this amendment to a vote in committee or to bring it to the floor for a vote, which would inevitably have delayed the prompt consideration this bill is receiving today.

Although this amendment would have been of particular benefit to California at this time, it should be understood that it also might very well have been of assistance in other areas where it is quite possible other VA hospitals in other earthquake-prone zones may have to be evacuated because they do not comply with applicable earthquake resistance standards.

One last item: it has been called to the committee's attention that there may be a need for improvement in the uniform allowance for VA health care workers. At this time, however, we do not have sufficient information available to form a judgment on this issue. Therefore, I am requesting the VA Department of Medicine and Surgery to make a full study of the adequacy of present uniform allowances—with specific reference, among other things, to the allowances provided in community hospitals and the armed services and public health service medical programs—and communicate the results of such a study to the subcommittee as soon as possible in a manner designed to permit us to reach a judgment on this question and the need for any implementing legislation.

Mr. President, this bill is cosponsored by the following Senators in addition to myself: the distinguished chairman of the Committee on Veterans' Affairs, the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. THURMOND), who is our ranking minority member, the Senator from Georgia (Mr. TALMADGE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Iowa (Mr. HUGHES), the Senator from Vermont (Mr. STAFFORD), who all are members of the Committee on Veterans' Affairs; as well as the Senator from New Jersey (Mr. CASE), the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL). I wish to thank them all for their support and efforts on behalf of this important piece of veterans health legislation.

Mr. President, before closing, I want to express my personal appreciation to the Senate staff who worked so hard to bring this bill from introduction, through hearings and subcommittee and full committee consideration, to the floor for passage today. Most particularly, I am indebted to the tireless and dedicated efforts of Jon Steinberg, my counsel, Louise Ringwalt, research analyst, and Mary Jane McConnell and Terri Morgan, to Guy McMichael, general counsel of the Veterans' Affairs Committee, and Edward McGinnis, minority staff director, and Tyler Craig, minority professional staff member, on the committee, to Hugh Evans of the Legislative Counsel's office, and to the printing clerk who has worked such long hours on this bill and prior bills, Harold Carter.

Also, I want to thank the General Counsel's office of the Veterans' Administration for the always excellent quality of its technical assistance throughout our preparation and consideration of this legislation: particularly Al Bronaugh, Associate General Counsel, Bob Coy, Assistant General Counsel, and Charlie Johnston, Deputy Assistant General Counsel.

Mr. President, I want also to express my appreciation to my good friend from Texas (Mr. TEAGUE), chairman of the Veterans' Affairs Committee in the other body. We have worked together closely on veterans affairs for the last 3 years. His committee staff, most effectively lead by Oliver Meadows, and mine have already conferred extensively on this measure and the differences between the House and Senate versions. We have already taken into consideration the results of those consultations in many places in the committee substitute, and I believe the basic thrusts of much of the Senate bill will be acceptable to the other body. Mr. President, in closing, I urge my colleagues to adopt this measure unanimously so that we may get on with the job of working out the differences between the House and Senate versions of H.R. 10880. Then, it will be our task to insure that we obtain the necessary appropriations in order to fund the additional expenditures which will inevitably be entailed by the expansion of eligibility and statutory authorities included in H.R. 10880 as it is finally agreed to, and to secure appropriations under the authorization for appropriations we agree to for S. 2219, the VA Health Care Expansion Act of 1972, passed by the Senate a week ago.

Mr. BOGGS. Mr. President, it is my pleasure to say a few words in support of S. 2354, the Veterans' Health Care Expansion Act of 1972, which has just been reported by the Veterans' Affairs Committee. I congratulate the distinguished chairman of that committee, Mr. HARTKE, and the distinguished chairman of the Health and Hospitals Subcommittee, Mr. CRANSTON, and the other members for their fine work on this legislation.

S. 2354 would strengthen and expand the VA health care system in a number of significant ways. It would, for example, permit VA hospitals to provide care for the wives and dependents of totally and permanently disabled service-connected veterans and also the widows and children of veterans who die from service-connected disabilities. These benefits will help to lighten the burden of these families who have sacrificed so much for their country.

In addition, S. 2354 would make significant improvements in the VA health personnel system, including new pay schedules for physicians, dentists, nurses, and officers of the VA Department of Medicine and Surgery, as well as overtime pay and shift differentials for all nursing personnel. I am particularly pleased that new emphasis will be placed on recruiting and training veterans with medical skills to become physicians' assistants at VA hospitals.

S. 2354 would also authorize the direct admission of veterans to nursing homes without prior hospitalization at a VA hospital, and it would establish a comprehensive sickle cell anemia screening and counseling program. These, as well as the other provisions of this bill, are of the greatest importance to the veterans of Delaware, with whom I have discussed them. I support them and urge my colleagues to give prompt and favorable consideration to this legislation.

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10880) was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2354 be indefinitely postponed.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 10880 be printed as passed and that the Secretary of the Senate be authorized to make any technical corrections that may be needed.

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

EXTENSION OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 746, S. 3572.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3572, to extend and amend sections 5(n) and 8(d) of the Federal Water Pollution Control Act, as amended

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BEALL. Mr. President, I strongly support the enactment of the continuing resolution, which extends the authorization at the $2 billion level for the water pollution legislation to the end of this fiscal year, June 30. I am particularly pleased that the resolution includes $200 million in discretionary funds for regional advanced waste treatment projects.

This resolution is critical if the efforts of both Houses of Congress to win the battle against water pollution, are going to succeed. It is vital if we, in the Con-

gress, do not want to be the cause of delay in permitting State and local governments to move ahead with construction of needed waste treatment facilities.

I had the honor and pleasure of serving on the Public Works Committee during most of the time that the committee was considering S. 2770. This is landmark legislation and I certainly hope that the conferees will reach early agreement on a final measure so that new directions and additional resources will be available for a massive effort to clean up the Nation's waters.

During the committee deliberations, I offered an amendment that was adopted and incorporated in section 205(D) of the Senate bill that is of utmost importance and urgency to the Nation's Capital region. This amendment provides the Director of the Environmental Protection Agency with discretionary sums of up to $200 million for projects utilizing advanced waste treatment methods on a regional basis for areas with especially severe water pollution control problems.

This discretionary authority is a must if the Nation's Capital area waste treatment plant at Blue Plains is not to be delayed. The Blue Plains facility serves the District of Columbia and the surrounding suburban Virginia and Maryland communities. The Blue Plains facility is a very advanced water treatment plant which the Federal Government required through the Potomac Enforcement Conference. All of the respective jurisdictions involved in the District of Columbia area are fully committed to paying their share, but the cost of the Blue Plains facility requires substantial Federal funding. At the 70 percent matching level which was approved in S. 2770, the Blue Plains facility required $97 million in fiscal 1972 and over $77 million in fiscal 1973. This level of funding far exceeds the amount that would be available to the participating States under the regular population-based allocations. The adoption of my amendment would have enabled the completion of Blue Plains on schedule.

Administrator Ruckelshaus, in a letter assured me—and his assurance appears in the Senate committee report—that with such discretionary funds, the full Federal share would be made available to keep the Blue Plains project on time. It is generally felt, because of the complexities and differences in the House and Senate water pollution measures, that the conference will take some time. I am, therefore, delighted that the continuing resolution includes the authority to provide the funds necessary for the Blue Plains facility.

Mr. President, Blue Plains is not just another treatment facility. The Federal Government has mandated for this facility especially high standards of treatment so that, when completed, the plant will employ the most advanced technology available. Similarly, this area is not just another area in the country. This is the Nation's Capital area. This area should and must be a national model from the pollution standpoint. The Blue Plains facility receives special Federal usage. Such Federal complexes, as NIH, the White House, and Congress itself, contribute to the need for the Blue Plains facility. In fact, it has been estimated that Federal installations account for about 15 percent of the total daily flow into Blue Plains.

Also, the Potomac is not just an average river in the country. Just as Washington is referred to as the "Federal City, the Potomac has been referred to as "Our Nation's River."

In 4 years, many visitors from foreign countries will be coming here to join in the celebration of our 200th birthday. While the completion of the Blue Plains project may not assure that our visitors will see the same river that our forefathers saw, we must move in that direction and at the very least remove the stigma of it being a body of water that is so contaminated that it is unsafe even to wade or swim in.

In recognition of the special responsibilities to the Nation's Capital area and in recognition of the critical nature of the problems, I strongly support the enactment of the continuing resolution. I urge early and favorable House action on this resolution.

I ask unanimous consent that an excellent editorial from the May 1 Washington Post in support of the Senate action be printed in the RECORD.

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

FREE BLUE PLAINS

Some time ago we noted with dismay that the $359-million Blue Plains sewage treatment project has become a victim of congressional hassling over new national water pollution control legislation. In essence, the District cannot let any new contracts for Blue Plains until EPA provides about $62 million in long-promised federal aid. In a reversal of the usual federal-funding problem, the money has already been appropriated but authority to spend it is hung up in the Senate-House conference over the controversial Muskie and Blatnik clean-water bills. While the conferees fence over such issues as national goals for 1985, the Blue Plains project, which would relieve Potomac pollution by 1975, has already been delayed three months.

The Senate Public Works Committee, at the urgings of Senators Beall, Mathias and Eagleton, has just taken an overdue initiative to make the essential funds for Blue Plains available at once. Last week the committee approved a resolution authorizing EPA to make water pollution control grants nationwide through June 30, using the funds already appropriated. Included in that resolution were special provisions enabling EPA to allocate up to $200 million for regional projects using advanced waste methods in metropolitan areas with severe pollution problems. This language, of course, is longhand for "Blue Plains."

The Blue Plains project, ambitious and technologically advanced in itself, is perhaps most important as the crucial first priority on a long agenda of pollution control actions which area governments will have to undertake in the next few years. The project has the administration's full support and regional backing as nearly unanimous as any venture in this area ever enjoys. We trust the Senate will approve the Public Works Committee's resolution. We urge the House to recognize as well that while other prickly pollution issues are being thrashed out, this project should be freed and funded right now.

In most cases, and particularly for advance ticket purchases, there ought to be certain conditions under which the personal check (and the credit card, for that matter) are still welcome. Let's hope the National gives it a try.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3572

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

SECTION 1. The third sentence of section 5(n) of the Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is amended by striking out "$300,000,000 for the period commencing November 1, 1971, and ending April 30, 1972," and inserting in lieu thereof "$41,000,000 for the period commencing November 1, 1971, and ending June 30, 1972,".

SEC. 2. The second sentence of section 8 (d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1158(d)), is amended by striking out "$1,650,000,000 for the period ending April 30, 1972," and inserting in lieu thereof "$2,000,000,000 for the fiscal year ending June 30, 1972, of which not to exceed $167,000,000 may be allocated for the fiscal year ending June 30, 1972, to assist in the construction of projects utilizing advanced treatment methods for the treatment of wastes on a regional scale for areas with especially severe water pollution control problems."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–777) explaining the purposes of the measure.

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

PURPOSE OF LEGISLATION

Authorizations contained in sections 5(n) and 8(d) of the Federal Water Pollution Control Act, as amended earlier this year, expire on April 30, 1972. Both the Senate and the House of Representatives have passed S. 2770, which would extend these authorizations, but it is unlikely that final action on any conference report on the differences between the two Houses can be taken until later in June. In order to allow Congress to complete action on a major revision of the water pollution control legislation and fully authorize the funds already appropriated for fiscal 1972, conditional on subsequent authorization, this bill would extend authorizations for sections 5(n) and 8(d) through the fiscal year at the appropriated level.

Funds authorized for research, investigations, training and information under section 5 of the Federal Water Pollution Control Act would be increased by $11 million, from $30 million for the period ending April 30 to $41 million, the sum appropriated for fiscal year 1972 for the period ending June 30, 1972. This is in addition to the sum authorized for salaries and related expenses under section 5(n) for fiscal year 1972.

Construction grants under section 8 would be authorized at the appropriated level of $2 billion for the full fisacl year, and additional of $350 million to the previously authorized sum.

The committee wishes to clarify that all funds authorized for purposes of section 8 for fiscal year 1972 are available, at the option of each State, for grants to municipalities which have initiated construction of projects during the fiscal year ending June 30, 1972, without Federal financial assistance, or with a lesser amount of such assistance than that for which a project was eligible, if such projects are certified by such State as entitled to priority over other eligible projects

and otherwise meet the requirements of the act.

The committee understands that some communities have initiated construction of projects during fiscal year 1972 without Federal grant funds. To the extent that these projects have been certified by the States, otherwise meet the requirements of the act, and approved by the Administrator of EPA, there is no reason why funds authorized for fiscal year 1972 should be withheld from such projects. The committee trusts that any contrary interpretation of the law by the Environmental Protection Agency is now laid to rest.

In addition, the committee recognizes that several projects across the country impose especially heavy financial burdens because of the severity of the pollution problems to which they respond, the costliness of advanced waste treatment technologies they must employ, and the regional scope of the service they must provide. These projects cannot be adequately funded under the usual allocation formula. For this reason the amendment provides an amount of flexibility in allocating up to $167 million of fiscal year 1972 construction grant funds so that the construction of these very necessary projects can proceed. A similar provision is contained in S. 2770, but this authority is necessary now in connection with the full authorization of fiscal year 1972 funds.

The prime example of projects expected to be expeditiously funded under this new authority is the Blue Plains project for the Washington, D.C., area. According to the Environmental Protection Agency, the Federal fund needs for such projects are as follows:

	Millions
Blue Plains, D.C.	$62.0
Niagara Falls, N.Y.	55.0
St. Louis, Mo.	11.0
Kansas City, Mo.	21.0
Seattle, Wash.	9.5
Honolulu	8.5
Total	167.0

These figures are based on maximum funding permissible in each case under existing legislation. The amounts shown will not necessarily cover the Federal needs for the entire project, but will be sufficient to permit portions of the project to go under contract in order to meet established schedules.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Mississippi (Mr. STENNIS) is now recognized for 15 minutes.

ENVIRONMENTAL LAW SUITS AND THE POWER CRISIS

Mr. STENNIS. Mr. President, in my capacity as chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I have been holding hearings for the past several weeks. In succession, I have heard the statements of the Federal agencies responsible for carrying out the public works programs of our Nation, and have had an opportunity to interrogate them at length.

A clear pattern emerges, Mr. President, which concerns me very deeply. The pattern encompasses the full spectrum of public works, but let me begin by relating it to the matter of electric power.

In the week of April 17, there appeared before the subcommittee the heads of the three Federal agencies most directly involved in electric power matters: the Federal Power Commission, the Tennessee Valley Authority, and the Atomic Energy Commission.

Chairman John N. Nassikas of the Federal Power Commission discussed a comprehensive study carried out by the Commission over a 6-year period. It is called "The 1970 National Power Survey" because the figures used are current as of that date, but it is very recently completed, having been released on April 15. Among other findings, the study concludes that this Nation's demand for electric power will quadruple by 1990. In the 1970's it will double, and in the 1980's the doubled figure will double again, so it will be quadrupled.

The report of the National Power Survey is summaried very well in an article by James L. Rowe in the Washington Post of April 16, 1972. An excellent discussion of the report is contained in an article by Stephen M. Aug in the Washington Star of April 16, 1972. I ask unanimous consent that both of these articles be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Let me quote from Mr. Aug's article in the Star:

The Federal Power Commission today forecast "recurrent and spreading power shortages," and placed much of the blame for delays in construction of badly needed electric generating plants on lawsuits by environmental and other public groups.

"Despite increasing efforts of public agencies and the industry itself to protect the environment," the FPC said in a 460-page report, "today more than ever before the construction of new power facilities is being challenged on environmental grounds."

And—again quoting in part:

The FPC warned that there is a balance necessary between the nation's energy resources and environmental protection needs. "The nation cannot move overnight to correct all the environmental wrongs of the past or to implement all the environmental needs of the future." It would bankrupt itself if it were to attempt to do so . . .

It contended "the danger of serious imbalances, especially at this early formative stage of the nation's environmental crusade, is that when the costs begin to be counted and the true magnitude of the national needs begins to be appreciated, the public may be shocked into backing off from the undertaking, leaving some of the most important tasks undone."

Chairman Nassikas made a very fine statement before the subcommittee. I will quote briefly from parts of the summary of that statement. He said:

For the first time in our peacetime history the energy situation approaches a condition of national crisis. Several factors contribute to the threatening situation. The demand for energy in this country continues to grow at a relentless pace. Our domestic proven reserves of gas and oil are being depleted faster than they are being replaced by new discoveries. The search for new hydrocarbon reserves is becoming more difficult and costly. The resolution of environmental issues has slowed the development of energy resources such as off-shore oil and gas, as well as the siting of new power plants and high voltage electric transmission lines. Scheduled additions of nuclear power plants have been delayed by environmental review procedures, related factors and technical problems. As a result, our power reserve margins have been reduced below adequate levels to assure reliable power supply in all regions of the country.

He also told us of the delays caused by environmental organizations' suits against the Atomic Energy Commission, intervening in the AEC's licensing procedures. This problem was also discussed by Dr. Schlesinger, Chairman of the Atomic Energy Commission, before the subcommittee later in the week.

Mr. Nassikas also pointed out that water discharge permits issued by the Environmental Protection Agency and the Corps of Engineers have been halted by court injunction in an environmental suit, and the permit system is presently at a halt. This affects thousands of businesses nationwide, including electric powerplants, which must have cooling water to function. He pointed out that power transmission lines in New York have been halted by an environmental suit, and that in connection with this case the court has directed that his own office, the Federal Power Commission, must prepare an environmental impact statement, under the National Environmental Policy Act, before the Commission can rule on such cases.

The Chairman of the Board of the Tennessee Valley Authority, Mr. A. J. Wagner, agrees that a power crisis is at hand. In his statement to the subcommittee, he said:

The ability of the Nation's electric generating capacity to meet demands is a matter of general concern these days. There may well be serious power shortages over the next several summer and winter peak load seasons, particularly if significant amounts of nuclear generating capacity scheduled for commercial operation in the next few years is delayed through failure to receive operating licenses from the AEC in time to meet growing power demands.

During the remainder of this year TVA expects to meet the power demands of its system with adequate margins. Attainment of adequate margins for the next and the following winters depends, of course, upon our having available to us the capacity of new generating units by the time needed.

Plainly, the situation in the power field is thoroughly out of hand, and in a turmoil. Here the Nation is faced with a power crisis, and almost certain brownouts or blackouts, and our hands are tied by confrontations in the courts.

In the Washington Post of April 16 there appeared a very fine article called "Ecology" by Peter F. Drucker, who is professor of social sciences at the Claremont Graduate School in California, and professor of management at New York University. The article is excerpted from the January issue of Harpers magazine. I will quote from the article and ask unanimous consent that it be inserted in the RECORD in its entirety at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. STENNIS. Professor Drucker said:

The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Yet the crusade is in real danger of run-

ning off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.

Further along in the article, he said:

Closely related to the fallacy that "profit" can pay the environmental bill is the belief that we can solve the environmental crisis by reducing industrial output. In the highly developed affluent countries of the world, it is true that we may be about to de-emphasize the "production-orientation" of the past few hundred years. Indeed, the "growth sectors" of the developed economies are increasingly education, leisure activities, or health care rather than goods. But paradoxical as it may sound, the environmental crisis will force us to return to an emphasis on both growth and industrial output—at least for the next decade.

In connection with the suits involving electric power, he said that these actions by environmental groups have "ensured that other ecological tasks cannot be done effectively for the next 5 or 10 years."

At the conclusion of the article he said:

What we now need is a coherent, long-range program of action, and education of the public and our lawmakers about the steps necessary to carry it out. We must recognize—and we need the help of environmentalists in this task—that we can't do everything at once; that painful choices have to be made, as soon as possible, about what we should tackle first; and that every decision is going to involve high risks and costs, in money and in human lives.

* * * * *

To succeed, the environmental crusade needs support from all major groups in our society, and the mobilization of all our resources, material and intellectual, for years of hard, slow, and often discouraging effort. Otherwise it will not only fail; it will, in the process, splinter domestic and international societies into warring factions.

I must say, Mr. President, that while the electric power situation is in a disastrous state of disruption and confrontation, the testimony of the other Federal agencies before the subcommittee shows that the same influences are at work in all the fields of public works.

Witness after witness testified as to delays in projects caused by environmental suits—projects halted in the middle of construction at tremendous cost to the Government—benefits of projects foregone while construction costs amount—communities denied the projects they want because outsiders object—all at great cost.

I call the attention of Senators to the testimony we have already taken. It will be printed in due course, and I hope that it will be followed by each member of the Senate and their staffs. These are alarming conditions involving shortages, increased costs, and slowdowns in construction. We are going to reap a whirlwind of adverse results if something is not done.

In one valley where a project was halted, a flood occurred, and the damages could have been largely alleviated if the project had been completed. Let me say that anyone who has seen a real flood has seen an ecological nightmare. The stark devastation has to be seen to be comprehended. The ecological damage is such that even a generation or two cannot overcome it. I remember the 1927 flood in my State, and the countryside still shows some of its effects.

Projects of all kinds attract the attention of the environmental groups and their lawyers. I dare say that if you tried to build the Statue of Liberty today, you would have an environmental lawsuit on your hands.

In my own region of the country we have massive support among the people for the Tennessee-Tombigbee Waterway, as a project which offers tremendous economic promise for our region. After very lengthy environmental studies, contruction was to begin last year, following a groundbreaking ceremony by the President last May. It has been halted by a court suit being handled by the lawyers of the environmental defense fund, of Long Island, N.Y. The cost of this delay to the Government and the people will run into millions. The bond posted by the plaintiff in this case was $1.

I am a little encouraged by the decision of the Supreme Court on April 17 that will deny such intervention by those who live at an abstract distance and are not personally affected by a project. I am afraid, however, that every public works effort, be it highway or flood control structure, always has at least a few local opponents, in keeping with the democratic processes, and that the environmental organizations will file suits in the names of those citizens, so that the practical effects of the Supreme Court ruling will not be great.

I believe in conservation of natural resources, and in protecting the environment. I also believe in economic development. In fact, it is essential for our society to survive. As Professor Drucker pointed out so well in his article, we must have economic progress in order to achieve our environmental goals.

What I oppose completely is the ability of almost any group, whatever its size, or its name, or its purposes, to file a suit against any Federal project, however worthy, and be able to halt it temporarily, at no risk to the group and at great cost to the Government and to the people who live in the area and need the project. I think this creates in our governmental processes an excessive opportunity for irresponsible actions. The Government can be greatly damaged. I believe that it is time that the courts require a proper bond in these cases—one that represents the size of the possible people of the area, resulting from project delay.

In conclusion, I repeat, Mr. President, that I am deeply concerned. Our public works program is slowly being ground to a halt, and we are facing a crisis in electrical power. The crisis is with us. It can be solved, but not if environmental extremism is allowed to have unlicensed freedom to call a halt to every effort toward the solution. This will halt the economic progress we need so badly in order to pay the back debts that are owed for having abused the environment in the past. It will cause traumatic divisions among our people. Finally it will result in a backlash discredit of the realistic and systematic efforts that must be undertaken toward environmental repairs—to clean up our land, air, and water.

This is a problem that Congress must face. It will not go away. It is so serious that it cannot wait too long for solution. A balanced program must be evolved by the Congress must take the lead. As a Member of the Senate, I stand ready to make such contribution as I can.

Mr. President, I call the attention of the Senate to these facts already being developed by our subcommittee and by is happening and then concentrating a united effort we will find a solution that will take care of the environmental problems.

EXHIBIT 1

[From the Washington Post, Apr. 16, 1972]

POWER NEEDS BY 1990 SEEN QUADRUPLED

(By James L. Rowe, Jr.)

The Federal Power Commission predicted yesterday that the nation's demand for electric power will quadruple by 1990. The growth will be accompanied by substantially rising consumer costs and depends upon the successful introduction of nuclear power plants, the FPC said.

The predictions came in a mammoth six-year study known as "The 1970 National Power Survey" because the figures are current up to that year.

The commission said the electric industry faces "manifold problems" in meeting the nation's electric power needs by 1990, but said none of them is "unique or unmanageable."

Among the obstacles are the industry must overcome are:

Rising $400 billion over the next two decades to build the necessary generating capacity.

Assuring that generating plants—fossile-fueled or nuclear—meet increasingly rigorous environmental protection standards.

Developing more reliable interconnections between generating sources to prevent major power failures.

Increasing markedly the amount of money spent on research and development.

At the end of 1970, the report says, the nation had installed a generating capacity of 340,000 megawatts. By the end of 1980, the commission estimates that capacity will have to grow to 665,000 megawatts and to 1,260,000 megawatts by 1990.

The commission estimates that nuclear-powered plants, which accounted for only 2 per cent of electricity generated by thermal power in 1970, will account for 53 per cent of heat-generated electricity in 1990.

Coal, which supplied 54 per cent of the thermal power generation in 1970, is expected to slip to 30 per cent in 1990. The natural gas share, which was 29 per cent in 1970, is expected to slip to 8 per cent over the next two decades, and residual fuel oil from 15 per cent to 8 per cent.

Hydroelectric power, which provided 16 per cent of the total generating capacity in 1970, is expected to slip to 12 per cent by 1990 while thermal power increases from 84 per cent to 88 per cent.

Costs to the consumer are expected to rise substantially, however. Between 1926 and 1968, the average cost per kilowatt-hour declined from 2.7 cents to 1.53 cents—though total electric bills climbed as the nation began to consume increasingly large amounts of electricity.

The FPC projected, however, that cost per kilowatt-hour will now begin to rise as fuel

costs, transmission and distribution costs, and increasingly expensive plant investment outpace whatever efficiencies the industry can produce.

Measured in 1968 dollars, the cost per kilowatt-hour will be 1.83 cents. Injecting a yearly inflationary factor of 3 per cent (the rate at which prices climbed between 1962 and 1970), the cost per kilowatt-hour would be 3.51 cents.

A major obstacle the industry must overcome in providing needed generating capacity, the commission said, is the environmental question.

Already, the report said, "Some vitally needed power projects have been delayed or blocked on this account while the growth in demand for electricity has continued unabated. Something has to yield in such a situation, and what has been yielding has been the margin of assurance of electrical service."

The commission report said, "Contradictory public attitudes about electric power are on a collision course . . . Today more than ever before the construction of new power facilities is being challenged on environmental grounds."

FPC Chairman Nassikas, at a news conference to announce the report, said he was concerned because court decisions "have had a substantial impact on the ability of the industry to install facilities with appropriate margins" of reserve capacity.

He said the commission is now requiring the industry to plan ahead at least 10 years so that environmental considerations can be met.

Although the total demand for electric power is expected to rise rapidly in the next 20 years, the report expects little change in the composition of that demand.

Industrial use, which accounted for 40 per cent of output in 1970, will grow to 41 per cent. Residential use is expected to fall slightly from 25 per cent to 24 per cent, while commercial use is expected to rise from 18 per cent to 20 per cent.

However, the commission predicted the number of all-electric homes" will rise from 4.2 million units in 1970 to 24 million in 1990. Simultaneously, the all-electric home consumption is expected to rise from 20,000 kilowatt-hours per year in 1970 to 33,000 kilowatt-hours in 1990.

"In summary," the report said, "the health of the electrical industry is today basically sound, although it is menaced in some areas of the country by current and increasing delays in new capacity additions."

[From the Washington Star, Apr. 16, 1972]

FPC Places Blame—Power Crisis, Suits Linked

(By Stephen M. Aug)

The Federal Power Commission today forecast "recurrent and spreading power shortages," and placed much of the blame for delays in construction of badly needed electric generating plants on lawsuits by environmental and other public groups.

"Despite increasing efforts of public agencies and the industry itself to protect the environment," the FPC said in a 460-page report, "today more than ever before the construction of new power facilities is being challenged on environmental grounds.

"Some vitally needed power projects have been delayed or blocked on this account, while the growth in demand for electricity has continued unabated. Something has to yield in such a situation, and what has been yielding has been the margin of assurance of electrical service."

The commission recalled that voltage reductions and a few localized blackouts have occurred in several major urban areas during recent years and "the end is not yet in sight in certain critical areas," although generating reserves improved last year and will continue to improve "if current construction projects can be completed on schedule."

At the same time the commission, in its "National Power Survey"—the work of six years—said the cost of meeting anticipated growth and environmental concerns is going to raise the price of electricity.

The five-member agency, however, rejected the so-called "no growth" school. "Aside from those few who, heedless of the implications and oblivious to the impracticality of trying to put an industrialized society to pasture take a 'who needs it, let's go back to nature' attitude toward electricity, no one these days questions the importance of this highly adaptable form of energy," the report said.

"Deterioration of the quality of electrical service would of itself and through its economic repercussions degrade our national life. That is the crux of the power issue facing the nation today. . . . In a very real sense electric power is the lifeblood of a modern nation."

The FPC, which regulates transmission of electricity and natural gas across state lines and licenses hydroelectric projects, issued its power survey as a long-range guide to planning for electric power needs through 1990.

The commission said that while many call for curtailment of power growth "in the interests of environmental protection, the best judgment of those whose business it is to study demand trends is that the nation's electrical requirements will very nearly quadruple between 1970 and 1990." An FPC official said the prediction comes from the electric power industry, several advisory committees composed of industry officials and the commission's own staff.

The report said that even if Americans "were willing to cut corners in their use of electricity in the home, which remains to be demonstrated, this of itself would not fundamentally alter the national demand outlook." A 10 percent reduction in today's household consumption would be required to reduce by 2.5 percent today's total consumption, the report said.

ECOLOGY EFFECT NOTED

It contended that further measures needed to upgrade the nation's environment "are creating substantial new requirements for electricity." These include recycling scrap paper and wastes; sewage treatment plants, and prospects for electric rapid transit in large cities to reduce auto congestion and air pollution.

At the same time, the FPC pointed out that the electric power industry's operations interact with all the principal elements of the environment "that are troubling the nation today: air quality, water quality, land use and resource consumption." It concluded that "the best efforts can only reduce, not eliminate, the environmental impact of needed electric supply."

The FPC warned that there is a balance necessary between the nation's energy resources and environmental protection needs. "The nation cannot move overnight to correct all the environmental wrongs of the past or to implement all the environmental needs of the future." It would bankrupt itself if it were to attempt to do so. . . ."

"SERIOUS IMBALANCES"

It contended "the danger of serious imbalances, especially at this early formative stage of the nation's environmental crusade, is that when the costs begin to be counted and the true magnitude of the national needs begins to be appreciated, the public may be stocked into backing off from the undertaking, leaving some of the most important tasks undone.

"It would be tragic in the extreme if the heavy emphasis currently being placed on the environmental aspects of electric power should have this effect, or if, by failing to maintain a proper balance between environmental values and vital community energy needs, the end result is to diminish, rather than improve, the over-all quality of the human environment."

The FPC said "the common sense of the average citizen as much as any other factor may be the key."

In considering the costs of electricity, it noted that by 1970 the price of electricity began to reverse after a 25-year period of declining prices.

$1,158 BILL IN 1990

It said the average actual costs of 1.54 cents per kilowatt-hour in 1968 will increase to about 1.83 cents by 1990 measured in terms of the 1968 dollar. Allowing for only a 3 percent annual rate of inflation annually, this cost would balloon to 3.51 cents.

At the same time, the commission predicted that the average all-electric home, where 20,000 kilowatt-hours of electric power are consumed today, will consume about 33,000 hours by 1990. On this basis, the consumer with an all-electric home who paid about $308 as an annual electric bill in 1968, will be paying about $1,158 a year by 1990, assuming a 3 percent annual rate of inflation (in the Consumer Price Index).

Prominent among the influences causing this increase, the FPC said, are added costs for environmental protection and "enhancement features" (such as underground wiring and other esthetic matters), higher costs of borrowing and sharply increasing competition for available fossil fuels, gas, oil, coal—that can meet increasingly stringent environmental regulations.

NUCLEAR ROLE

The commission made clear that in its plans much of the electricity needs for 1990 will be met by nuclear plants. It predicted that while coal now supplies 54 percent of fuel for use in generating electric power by 1990 nuclear power would supply 53 percent. The sharpest declines would be in use of natural gas—29 percent at present to 8 percent in 1990, and residual fuel oil, 15 percent now to 9 percent in 1990.

Again, however, the FPC pointed to long delays in construction of nuclear plants. At a briefing for reporters last year, FPC Chairman John N. Nassikas pointed out that two recent court decisions—one of them last year involving the Calvert Cliffs plant on Chesapeake Bay—"have a substantial adverse impact upon the development of needed generating facilities."

Nassikas urged that the Atomic Energy Commission be authorized to grant interim licenses to nuclear power plants so they may be placed into operation while studies continue on their effects on the environment. If a study concludes that environmental dangers outweigh the advantages of the plant, then the facility would be shut down.

CONCERN ON FINANCING

The commission also expressed concern over the ability of the electric power industry to obtain financing to meet needs for new facilities. The FPC said that between 1970 and 1990 the industry will need between $400 billion and $500 billion, of which $240 billion to $300 billion will have to be obtained from investors in the open market in competition with other investments.

At the same time, it warned that while electric utilities are no longer a favorite with investors. The reasons are that they have had to raise huge sums of money in recent years at high interest rates and they face larger financial needs in the future, problems the industry has had with respect to adequate supplies of power and uncertainty of investors over the problems of environmental impact.

The FPC said, too, that the attractiveness of the industry's securities to investors depends on public utility regulation—especially as it affects profits. In the recent period of high interest rates and sharply rising costs investors "have been understandably concerned" over the fact that utility regulating

agencies have not been quick to grant rate increases.

"It is a paradox of regulation," the commission said, "that significant delays in permitting higher costs to be reflected in higher rates may ultimately result in higher costs of capital and higher rates. It is therefore important that state and local regulators as well as this commission exercise diligence in minimizing regulatory lag."

The commission listed what it termed six "major imperatives" of the national power situation:

". . . for the American people to recognize that the problems facing the power industry today are of a critical nature and that it is the nation's and their well-being as individuals, not merely that of the industry, which is at risk."

The need to distinguish between short-range problems and long-range objectives. "Too often . . . those who oppose the construction of new generating or transmission lines blur together two quite separate considerations—(1) the specific effects the particular installation will have on its environs, and (2) the potential environmental impact of building a large number of equivalent units . . ." The FPC said a result is that urgently needed power facilities often are delayed by issues that belong in the realm of long-range policy making—especially utilities that today have inadequate reserve generating capacity or inadequate ties with other systems.

The need for improved site selection procedures. Procedures followed in the past for selecting power plant sites and related transmission lines "are inadequate." The commission urged establishment of state or regional power plant siting authorities, and requirement of utilities to make ample advance disclosure of their plans.

Need for a national energy policy. The public, government and industry must determine the nation's power needs after weighing both economic and environmental factors in balance.

Need for intensified research and development. This includes development of fast breeder reactors—these would vastly increase the nation's nuclear fuel. Achievement of economically practical undergrounding of high voltage lines; further research on the environment to reinforce present knowledge on the extent of the effects and biological consequences of industrial operations on air and water quality.

Financial imperatives. The rate of return achieved on utility common stocks has been on a gradual downward trend since 1967. If allowed to continue, a downward trend utility financial performance would create increasing difficulties for utilities both in attracting equity (stock) investment and in raising capital—and this at a time when their capital requirements promise to be larger than ever before.

[EXHIBIT 2]

[From the Washington Post, Apr. 16, 1972]

ECOLOGY: "ENVIRONMENTALISTS MAY BE AMONG THE CHIEF WRECKERS"

(By Peter F. Drucker)

(NOTE.—Drucker is professor of social sciences at the Claremont Graduate School, Claremont, Calif., and professor of management at New York University. This article is excerpted from the January, 1972, issue of Harper's magazine by special permission.)

Everybody today is "for the environment." Laws and agencies designed to protect it multiply at all levels of government. Big corporations take full-color ads to explain how they're cleaning up, or at least trying to. Even you as a private citizen probably make some conscientious effort to curb pollution. At the same time, we have learned enough about the problem to make some progress toward restoring a balance between man and nature. The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Yet the crusade is in real danger of running off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.

Consider, for example, the wide-spread illusion that a clean environment can be obtained by reducing or even abolishing our dependence on "technology." The growing pollution crisis does indeed raise fundamental questions about technology—its direction, uses and future. But the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe.

The invention that has probably had the greatest environmental impact in the past 25 years, for instance, is that seemingly insignificant gadget, the wire-screen window. The wire screen, rather than DDT or antibiotics, detonated the "population explosion" in underdeveloped countries, where only a few decades ago as many as four out of five children died of such insect-borne diseases as "summer diarrhea" or malaria before their 5th birthday. Would even the most ardent environmentalist outlaw the screen window and expose those babies again to the flies?

The truth is that most environmental problems require technological solutions—dozens of them. To control our biggest water pollutant, human wastes, we will have to draw on all sciences and technologies from biochemistry to thermodynamics. Similarly, we need the most advanced technology for adequate treatment of the effluents that mining and manufacturing spew into the world's waters. It will take even more new technology to repair the damage caused by the third major source of water pollution in this country—the activities of farmers and loggers.

Even the hope of genuine disarmament—and the arms race may be our worst and most dangerous pollutant—rests largely on comp'ex technologies of remote inspection and surveillance. Environmental control, in other words, requires technology at a level at least as high as the technology whose misuse it is designed to correct. The sewage-treatment plants that are urgently needed all over the world will be designed, built, and kept running not by purity of heart, ballads, or Earth Days but by crew-cut engineers working in very large organizations, whether businesses, research labs, or government agencies.

WHO WILL PAY?

The second and equally dangerous delusion abroad today is the common belief that the cost of cleaning the environment can be paid for out of "business profits." After taxes, the profits of all American businesses in a good year come to $60 billion or $70 billion. And mining and manufacturing—the most polluting industries—account for less than half of this. But at the lowest estimate, the cleanup bill, even for just the most urgent jobs, will be three or four times as large as all business profit.

Consider the most efficient and most profitable electric-power company in the country (and probably in the world): the American Electric Power Co., which operates a number of large power companies including the government's own TVA. Yet cleaning up American Electric Power's plants to the point where they no longer befoul air and water will require, for many years to come, an annual outlay close to, if not exceeding, the company's present annual profit of $100 million. The added expense caused by giving up strip mining of coal or by reclaiming strip-mined land might double the company's fuel bill, its single largest operating cost. No one can even guess what it would cost—if and when it can be done technologically—to put power transmission lines underground. It might well be a good deal more than power companies have ever earned.

We face an environmental crisis because for too long we have disregarded genuine costs. Now we must raise the costs, in a hurry, to where they should have been all along. The expense must be borne, eventually, by the great mass of the people as consumers and producers. The only choice we have is which of the cost will be borne by the consumer in the form of higher prices, and which by the taxpayer in the form of higher taxes.

It may be possible to convert part of this economic burden into economic opportunity, though not without hard work and, again, new technology. Many industrial or human wastes might be transformed into valuable products. The heat produced in generating electricity might be used in greenhouses and fish farming, or to punch "heat holes" into the layer of cold air over such places as Los Angeles, creating an updraft to draw off the smog. But these are long-range projects. The increased costs are here and now.

REDUCING OUTPUT

Closely related to the fallacy that "profit" can pay the environmental bill is the belief that we can solve the environmental crisis by reducing industrial output. In the highly developed affluent countries of the world, it is true that we may be about to de-emphasize the "production-orientation" of the past few hundred years. Indeed, the "growth sectors" of the developed economies are increasingly education, leisure activities, or health care rather than goods. But paradoxical as it may sound, the environmental crisis will force us to return to an emphasis on both growth and industrial output—at least for the next decade.

There are three reasons for this, each adequate in itself.

1. Practically every environmental task demands huge amounts of electrical energy, way beyond anything now available. Sewage treatment is just one example; the difference between the traditional and wholly inadequate methods and a modern treatment plant that gets rid of human and industrial wastes and produces reasonably clear water is primarily electric power, and vast supplies of it. This poses a difficult dilemma. Power plants are themselves polluters. And one of their major pollution hazards, thermal pollution, is something we do not yet know how to handle.

Had we better postpone any serious attack on other environmental tasks until we have solved the pollution problems of electric-power generation? It would be a quixotic decision, but at least it would be a deliberate one. What is simply dishonest is the present hypocrisy that maintains we are serious about these other problems—industrial wastes, for instance, or sewage or pesticides—while we refuse to build the power plants we need to resolve them.

I happen to be a member in good standing of the Sierra Club, and I share its concern for the environment. But the Sierra Club's opposition to any new power plant today—and the opposition of other groups to new power plants in other parts of the country—has, in the first place, ensured that other ecological tasks cannot be done effectively for the next five or ten years. Secondly, it has made certain that the internal-combustion engine is going to remain our mainstay in transportation for a long time to come. An electrical automobile or electrified mass transportation—the only feasible alternatives—would require an even more rapid increase in electrical power than any now projected. And thirdly it may well a few years

hence cause power shortages along the Atlantic Coast, which would mean unheated homes in winter, as well as widespread industrial shutdowns and unemployment. This would almost certainly start a "backlash" against the whole environmental crusade.

2. No matter how desirable a de-emphasis on production might be, the next decade is the wrong time for it in all the developed countries and especially in the United States. The next decade will bring a surge in employment-seekers and in the formation of young families—both the inevitable result of the baby boom of the late Forties and early Fifties. Young adults need jobs; and unless there is a rapid expansion of jobs in production there will be massive unemployment, especially of low-skilled blacks and other minority group members. In addition to jobs, young families need goods—from housing and furniture to shoes for the baby. Even if the individual family's standard of consumption goes down quite a bit, total demand—barring only a severe depression—will go up sharply. If this is resisted in the name of ecology, environment will become a dirty word in the political vocabulary.

3. If there is no expansion of output equal to the additional cost of cleaning up the environment, the cost burden will—indeed, must—be met by cutting the funds available for education, health care, or the inner city, thus depriving the poor. It would be nice if the resources we need could come out of defense spending. But of the 6 or 7 per cent of our national income that now goes for defense, a large part is cost of past wars, that is, veterans' pensions and disability benefits (which, incidentally, most other countries do not include in their defense budgets—a fact critics of "American militarism" often ignore). Even if we could—or should—cut defense spending, the "peace dividend" is going to be 1 or 2 per cent of national income, at best.

But the total national outlay for education (7 to 8 per cent), health care (another 7 to 8 per cent), and the inner city and other poverty areas (almost 5 per cent) comes to a fifth of total national income today. Unless we raise output and productivity fast enough to offset the added environmental cost, the voters will look to this sector for money. Indeed, in their rejection of school budgets across the nation and in their desperate attempts to cut welfare costs, voters have already begun to do so. That the shift of resources is likely to be accomplished in large part through inflation—essentially at the expense of the lower-income groups—will hardly make the environmental cause more popular with the poor.

The only way to avoid these evils is to expand the economy, probably at a rate of growth on the order of 4 per cent a year for the next decade, a higher rate than we have been able to sustain in this country in the postwar years. This undoubtedly entails very great environmental risks. But the alternative is likely to mean no environmental action at all, and a rapid public turn—by no means confined to the "hard hats"—against all environmental concern whatever.

MAKING VIRTUE PAY

The final delusion is that the proper way to bring about a clean environment is through punitive legislation. We do need prohibitions and laws forbidding actions that endanger and degrade the environment. But more than that, we need incentives to preserve and improve it.

Punitive laws succeed only if the malefactors are few and the unlawful act is comparatively rare. Whenever the law attempts to prevent or control something everybody is doing, it degenerates into a huge but futile machine of informers, spies, bribe givers, and bribe takers. Today every one of us—in the underdeveloped countries almost as much as in the developed ones—is a polluter. Punitive laws and regulations can force automobile manufacturers to put emission controls into new cars, but they will never be able to force 100 million motorists to maintain this equipment. Yet this is going to be the central task if we are to stop automotive pollution.

What we should do is make it to everyone's advantage to reach environmental goals. And since the roots of the environmental crisis are so largely in economic activity, the incentives will have to be largely economic ones as well. Automobile owners who voluntarily maintain in working order the emission controls of their cars might, for instance, pay a much lower automobile registration fee, while those whose cars fall below accepted standards might pay a much higher fee. And if they were offered a sizable tax incentive, the automobile companies would put all their best energies to work to produce safer and emission-free cars, rather than fight delaying actions against punitive legislation.

Despite all the rhetoric on the campuses, we know by now that "capitalism" has nothing to do with the ecological crisis, which is fully as severe in the Communist countries. The bathing beaches for 50 miles around Stockholm have become completely unusable, not because of the wicked Swedish capitalists but because of the raw, untreated sewage from Communist Leningrad that drifts across the narrow Baltic. Moscow, even though it still has few automobiles, has as bad an air-pollution problem as Los Angeles—and has done less about it so far.

We should also know that "greed" has little to do with the environmental crisis. The two main causes are population pressures, especially the pressures of large metropolitan populations, and the desire—a highly commendable one—to bring a decent living at the lowest possible cost to the largest possible number of people.

The environmental crisis is the result of success—success in cutting down the mortality of infants (which has given us the population explosion), success in raising farm output sufficiently to prevent mass famine (which has given us contamination by insecticides, pesticides, and chemical fertilizers), success in getting people out of the noisome tenements of the nineteenth-century city and into the greenery and privacy of the single-family home in the suburbs (which has given us urban sprawl and traffic jams). The environmental crisis, in other words, is very largely the result of doing too much of the right sort of thing.

To overcome the problems success always creates, one has to build on it. The first step entails a willingness to take the risks involved in making decisions about complicated and perilous dilemmas:

What is the best "trade-off" between a cleaner environment and unemployment?

How can we prevent the environmental crusade from becoming a war of the rich against the poor, a new and particularly vicious "white racist imperialism"?

What can we do to harmonize the worldwide needs of the environment with the political and economic needs of other countries, and to keep American leadership from becoming American aggression?

How can we strike the least agonizing balance of risks between environmental damage and mass starvation of poor children, or between environmental damage and large-scale epidemics.

AN ENVIRONMENTAL CRIME?

More than 20 years ago, three young chemical engineers came to seek my advice. They were working for one of the big chemical companies, and its managers had told them to figure out what kind of new plants to put into West Virginia, where poverty was rampant. The three young men had drawn up a long-range plan for systematic job creation, but it included one project about which their top management was very dubious—a ferroalloy plant to be located in the very poorest area where almost everybody was unemployed. It would create 1,500 jobs in a dying small town of 12,000 people and another 800 jobs for unemployed coal miners—clean, healthy, safe jobs, since the new diggings would be strip mines.

But the plant would have to use an already obsolete high-cost process, the only one for which raw materials were locally available. It would therefore be marginal in both costs and product quality. Also the process was a singularly dirty one, and putting in the best available pollution controls would make it even less economical. Yet it was the only plant that could possibly be put in the neediest area. What did I think?

I said, "Forget it—which was, of course, not what the three young men wanted to hear and not the advice they followed.

This, as some readers have undoubtedly recognized, is the perhistory what has become a notorious "environmental crime," the Union Carbide plant in Marietta, Ohio. When first opened in 1951 the plant was an "environmental pioneer." Its scrubbers captured three-quarters of the particles spewed out by the smelting furnaces; the standard at the time was half of that or less. Its smokestacks suppressed more fly ash than those of any other power plant then built, and so on.

But within 10 years the plant had become an unbearable polluter to Vienna, W. Va., the small town across the river whose unemployment it was built to relieve. And for the last five years the town and Union Carbide fought like wildcats. In the end Union Carbide lost. But while finally accepting federal and state orders to clean up an extremely dirty process, it also announced that it would have to lay off half the 1,500 men working in the plant—and that's half the people employed in Vienna. The switch to cleaner coal (not to mention the abandonment of strip mining) would also put an end to the 800 or so coal-mining jobs in the poverty hollows of the back country.

There are scores of Viennas around the nation, where marginal plants are kept running precisely because they are the main or only employer in a depressed or decaying area. Should an uneconomical plant shut down, dumping its workers on the welfare rolls? Should the plant be subsidized (which would clearly open the way for everybody to put his hand in the public till)? Should environmental standards be disregarded or their application postponed in "hardship" cases?

If concern for the environment comes to be seen as an attack on the likelihood of workers, public sympathy and political support for it is likely to vanish. It is not too fanciful to anticipate, only a few years hence, the New (if aging) Left, the concerned kids on the campus, and the ministers in a protest march against "ecology" and in support of "the victims of bourgeois environmentalism."

WHERE TO START

Cleaning up the environment requires determined, sustained effort with clear targets and deadlines. It requires, above all, concentration of effort. Up to now we have had almost complete diffusion. We have tried to do a little bit of everything—and tried to do it in the headlines—when what we ought to do first is draw up a list of priorities in their proper order.

First on such a list belong a few small but clearly definable and highly visible tasks that can be done fairly fast without tying up important resources. Removing the hazard of lead poisoning in old slum tenements might be such an action priority. What to do is well known: burn off the old paint. A substantial number of underemployed black adolescents could be easily recruited to do it.

Once visible successes have been achieved, the real task of priority-setting begins. Then

one asks: (1) what are the biggest problems that we know how to solve, and (2) what are the really big ones that we don't know how to solve yet. Clean air should probably head the first list. It's a worldwide problem, and getting worse. We don't know all the answers, but we do have the technological competence to handle most of the problems of foul air today. Within 10 years we should have real results to show for our efforts.

Within 10 years, too, we should get major results in cleaning up the water around big industrial cities and we should have slowed (if not stopped) the massive pollution of the oceans, especially in the waters near our coastal cities.

As for research priorities, I suggest that the first is to develop birth-control methods that are cheaper, more effective, and more acceptable to people of all cultures than anything we now have. Secondly, we need to learn how to produce electric energy without thermal pollution. A third priority is to devise ways of raising crops for a rapidly growing world population without at the same time doing irreversible ecological damage through pesticides, herbicides, and chemical fertilizers.

Until we get the answers, I think we had better keep on building power plants and growing food with the help of fertilizers and such insect-controlling chemicals as we now have. The risks are now well known, thanks to the environmentalists. If they had not created a widespread public awareness of the ecological crisis, we wouldn't stand a chance. But such awareness by itself is not enough. Flaming manifestos and prophecies of doom are no longer much help and a search for scapegoats can only make matters worse.

What we now need is a coherent, long-range program of action, and education of the public and our lawmakers about the steps necessary to carry it out. We must recognize—and we need the help of environmentalists in this task—that we can't do anything at once; that painful choices have to be made, as soon as possible, about what we should tackle first; and that every decision is going to involve high risks and costs, in money and in human lives

Any course we adopt will involve a good deal of experimentation—and that means there will be some failures. Any course also will demand sacrifices, often from those least able to bear them: the poor, the unskilled, and the underdeveloped countries. To succeed, the environmental crusade needs support from all major groups in our society, and the mobilization of all our resources, material and intellectual, for years of hard, slow, and often discouraging effort. Otherwise it will not only fail; it will, in the process, splinter domestic and international societies into warring factions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills in which in requests the concurrence of the Senate:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes;

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes:

H.R. 14015. An act to amend section 8c(2), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; and

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 641. An act for the relief of Luis Guerrero-Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez;

S. 1089. An act for the relief of Robert Rexroat;

S. 1675. An act for the relief of Antonio Plameras;

S. 1923. An act for the relief of Harold Donald Koza;

S. 2676. An act to amend the Public Health Service Act to provide for the control of sickle cell anemia;

S.J. Res. 173. A joint resolution to provide for the appointment of A. Leon Higginbotham, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 174. A joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 175. A joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; and

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture and Forestry.

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes; to the Joint Committee on Atomic Energy.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair recognizes the Senator from New York for 15 minutes.

THE SALT TALKS

Mr. BUCKLEY. Mr. President, I am deeply disturbed by an article in the May 3 edition of the Washington Post outlining the reported terms of a U.S. offer for the framework of an agreement to limit strategic arms.

I ask unanimous consent that the article may be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, on the surface the terms appear to have the effect of freezing the Soviet Union in a position of permanent significant superiority in the capacity of their intercontinental and submarine-launched ballistic missiles. At the same time, these terms would appear to be establishing what could prove to be a purely illusory parity in our respective anti-ballistic-missile defenses.

The facts, as I understand them, are as follows: At the present time, the Soviet Union has in its ICBM's and SLBM's more than five times as much payload capacity as the United States possesses in the same categories of weapons. The payload capacity or "throw weight" of ballistic missiles is the best available measure of the potential destructive capacity of these weapons. The reason for this is that for a given sophistication of warhead technology, the "throw weight" available to a given missile sets the upper bound on the number of warheads that it may launch.

By all accounts, it is widely acknowledged that the United States currently enjoys a lead in warhead design technology. Thus while the aggregate "throw weight" of our ICBM and SLBM forces is less than one-fifth that now possessed by the Soviet Union, the United States has an approximate parity with the Soviet Union in terms of the number of warheads deployed in these weapons today.

The most recently published information suggests that the United States and the Soviet Union each have approximately 2,500 warheads deployed in their existing ICBM and SLBM forces. However, if the Soviet Union should achieve the level of warhead design sophistication that the United States already possesses on a production line basis for its Minuteman III and Poseidon missile programs, the Soviet Union could take full advantage of its enormous "throw weight" advantage.

Even though the Soviet Union is behind us in warhead design, elementary prudence as well as the available facts would require us to assume, in considering any agreement of the immense importance as the one now being negotiated in Helsinki, that technological parity will soon be achieved. We must assume that the Russians are sustaining a significant effort to enable them to take the fullest possible advantage of their "throw weight" superiority. In his 1969 testimony before the House Committee on Foreign Affairs, Dr. J. S. Foster, Jr., Director of Defense Research and Engineering for the Department of Defense, said:

> The guidance and control system employed in the SS-9 (multiple re-entry vehicle) tests has capabilities much greater than that required to implement MRV. The things we do know about this mechanism are completely compatible with MIRV (multiple independent targetable re-entry vehicles), even though they do not prove a MIRV capability.

This and other available evidence suggests that the Soviet Union is working to improve its technology to the point where the U.S.S.R. will be able to compete with the United States in warhead design technology with a yield-accuracy combination which will give it the capability

to destroy hardened military targets, such as our Minuteman silos, as well as our cities.

It should be noted that the reported terms would allow each side to modernize its strategic arsenal. Therefore, any improvement in warhead design achieved by the Soviets subsequent to any agreement would be available for installation in their existing missiles. Thus the effect of the SALT agreement terms reported by the Washington Post would be to grant to the Soviet Union a permanent 5-to-1 advantage in potential deliverability of such warheads by ICBM and SLBM systems.

With respect to the suggested limitation on the deployment of anti-ballistic missile defenses to 100, we must keep in mind that the limitations proposed on ABM systems may be impossible to police in the absence of a right to onsite inspection—a right which the Russians have consistently refused to allow in the past and one which is not mentioned in the Washington Post story as a condition precedent to the agreement. The reason why onsite inspection must be an essential to an agreement placing a limitation on the deployment of ABM's is that the Soviet Union possesses an air defense system which a number of military analysts believe could be upgraded to an ABM role without positive detection throughout normal means of surveillance.

Since the early 1960's, the Soviet Union has deployed a very high altitude surface-to-air missile, the SA–5 "Griffon." This missile has been deployed in large numbers—over 1,000 reloadable launchers—in every sector of the Soviet Union. Originally, the SA–5 was believed to have been developed as an interceptor designed to cope with the proposed U.S. B–70 bomber, a bomber which would attack at very high altitudes. However, the B–70 bomber program was killed before the SA–5 system was initially deployed. The question then arises as to why the Soviet Union should have proceeded nevertheless with the deployment of a multibillion dollar defensive system against a nonexistent high altitude bomber threat, and why, 10 years later, it is still investing millions of dollars annually in the maintenance of the system, especially when one recalls that the United States does not conduct B–52 operations at high altitudes. The question also arises as to why the Soviet Union should maintain an unusual degree of secrecy with respect to this system. The SA–5, for example, is the only missile in the Russian arsenal which has never been displayed at a May Day parade.

It appears that the engineering characteristics of the SA–5 are such that it could be effective against ICBM reentry vehicles at high altitudes if it were tied into modern radar installations. Because the proposed agreement appears only to discuss explicit ABM systems, and provides no inspection mechanism to insure that the SA–5 system will not be upgraded to an ABM capability and connected to a modern mobile radar system, the terms described in the Washington Post would appear to possess a fatal weakness.

Mr. President, I hope that the fears which I have expressed have no foundation in fact. I hope that the article which has given rise to them proves to be inaccurate in some of its most important implications. Because if it does describe with reasonable accuracy the terms of the proposed agreement, and if that agreement is designed to establish permanent reciprocal limitations on our respective ICBM, SLBM, and ABM systems at the levels indicated, then we will be placing ourselves in a position which will assure the Soviet Union of an overwhelming superiority in the weapons of terror. Because we must assume that the Soviet Union will exploit to the fullest any advantage which they are granted, and we must also assume both on the basis of prudence and of past experience that the Soviets will violate the explicit terms of any agreement to the extent that they can do so without our detection.

I have other reservations about the wisdom and the morality of placing any limit on our ability to develop and deploy systems designed to protect our own citizens from the threat of nuclear destruction, but in this view I may well be in a minority. I cannot help but believe, however, that every one of my colleagues is as interested as I am, not just in achieving a meaningful agreement which will have the effect of bringing deployment of strategic weapons under some measure of control, but in insuring that any such agreement be absolutely repicrocal and also in making absolutely sure that any agreement entered into will not have the effect of providing the Russians with a permanent and overwhelming advantage in their strategic capabilities. I therefore urge all of my colleagues to follow the SALT negotiations with the most critical care.

I yield back the balance of my time.

EXHIBIT 1

U.S. PROPOSES MISSILE FREEZE, LIMIT OF TWO ABM INSTALLATIONS

(By Marilyn Berger)

The United States is presenting to the Soviet Union a proposal for a strategic arms limitation treaty that would freeze at existing levels the number of landbased and submarine-based offensive missiles and provide for two anti-ballistic missile installations in each country.

The new proposal was worked out following what the White House called "confidential exchanges" between President Nixon and Soviet Communist Party Chief Leonid L. Brezhnev.

A White House announcement Monday evening of "a major advance" toward an agreement indicated that the terms of this new proposal had already been discussed in some detail with Soviet officials. It is therefore expected that its terms will be acceptable to Moscow.

The chief U.S. SALT negotiator, Gerard C. Smith, was carrying instruction to present this proposal when he returned to Helsinki yesterday from Washington. The White House expressed confidence Monday evening that Smith's counterpart, Vladimir S. Semyonov would also be receiving new instructions from the Soviet government.

A spokesman for the U.S. Arms Control and Disarmament Agency here said the next SALT meeting could take place as early as Wednesday afternoon, Helsinki time. Normally, meetings have been held twice a week, on Tuesdays and Thursdays.

It was learned that the major points of the American proposal are as follows:

Two anti-ballistic missile installations for each country with 100 launchers at each site. One installation would protect an intercontinental ballistic missile complex and the other would be deployed around what is known as the National Command Authority, Moscow and Washington. The proposal thus provides for "symmetry," which the Soviets have been demanding.

The Soviet Union has an ABM installation around Moscow but none around a missile site. The United States has none around Washington but is building an ABM complex around a minuteman site at Grand Forks, N.D.

A freeze on land-based intercontinental ballistic missiles built or under construction when the agreement is signed. According to the Defense Department's posture statement in February, the United States had 1,054 landbased intercontinental ballistic missile launchers and the Soviet Union was expected to have 1,550.

The U.S. proposal also calls for a limit on the large Soviet ICBMs—the SS–9s, and another version of a super intercontinental missile. The Soviet Union now has 288 SS–9s and has built 25 additional silos for equally large or larger missiles. The limit would freeze the number of these large missiles at 313.

A freeze on submarine-based offensive missiles at present levels, including those already built or under construction. The United States has had 41 missile subs in its fleet for several years. The Soviets have 25 operational subs with 17 more under construction for a total of 42.

A provision for some freedom for each country to change the mix of its land and sea-based missiles. The proposal suggests a complicated formula, but essentially it would allow each country to retire some launchers and replace them with others, even must, however, remain within the overall limit on the number of launchers. A small missile could not be exchanged for a super-missile, however.

The proposal would allow for modernization of the arsenals of both countries.

At the time of signature, the proposed agreement would ratify Soviet superiority in the number of missile launchers but not in the number of warheads. According to the Defense Department's posture statement, by mid-1972 the Soviet Union was expected to have 2,500 individual warheads compared with 5,700 for the United States.

The agreement would allow the Soviets to close the warhead gap but would not allow the United States to close launcher gap.

The United States is now bolstering its warhead arsenal by adding MIRV's (multiple independently targeted reentry vehicles) to existing Minutemen and submarine launchers. The United States plans to fit multiple warheads on 550 of its 1,000 Minutemen. So far, it has completed work on 150 of these. The Polaris missile can carry 10 to 14 warheads, and each U.S. missile-firing submarine can carry 16 launchers.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 10 minutes.

AMTRAK PRESIDENT ROGER LEWIS SHOULD RESIGN

Mr. WEICKER. Mr. President, at the outset of my comments, I ask unanimous consent that during the course of my remarks I may have 10 different exhibits included in the RECORD at the point at which I indicate. Rather than make the request on 10 different occasions, I make the request now, and will so indicate.

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

Mr. WEICKER. Mr. President, just prior to my arrival on the Senate floor I sent a letter to Roger Lewis, president of the National Railroad Passenger Corp.—Amtrak—requesting his resignation from that office—exhibit 1.

I should like to read the contents of the letter into the RECORD at this time:

DEAR ROGER: For the reasons set forth in the accompanying statement, I feel the cause of rail passenger service in the United States would best be served by your stepping aside as President of Amtrak.

Candidly, I believe that once appointed to Amtrak your devotions should have been to the national policy embodied in the creation of that organization rather than to any individual or agency within or without the government

Hopscotching is a tiring activity leaving the participant exhausted and ineffective.

That is not what our exhausted ineffective national rail situation needs.

Sincerely,

LOWELL P. WEICKER, Jr.,
U.S. Senator.

Simultaneously I have requested of Senator VANCE HARTKE that the Commerce Committee's Subcommittee on Surface Transportation hold hearings immediately to determine from Mr. Lewis, administration officials and directors of Amtrak the reasons for the questionable behavior of Mr. Lewis as hereinafter set forth.

Roger Lewis by his own words and actions has established that he is either grossly incompetent or beholden to interests other than the American railroad passenger.

Either or both of these conditions are unacceptable when set against just normal criteria of business acumen and public trust, never minding how much more is demanded in times of financial and national crisis.

THE PARTICULARS

Shortly after Amtrak commenced operations on May 1, 1971, I was in communication with their officials to inquire as to the adequacy of the initial funding. I was assured that funding was adequate. My own investigations revealed otherwise and so on June 10, 1971, I introduced legislation calling for additional funding for Amtrak in the amount of $90 million, said moneys to be used for capital needs.

I introduce that second item as exhibit 2.

Amtrak's response to S–2038 on June 15, 1971—exhibit 3—was incredibly tepid for a corporation that only 4 months later, on October 18, 1971, would request $170 million to stay in operation. Prior to the Senate Commerce Committee hearings of October 26, 1971, I again met with Amtrak officials in order to draw them out on what the real financial requirements of Amtrak were. Their reticent, "don't rock the boat" response resulted in the following testimony that I gave before Senator HARTKE's subcommittee on October 26, 1971. (Exhibit 4.)

On November 18, 1971, I introduced amendment No. 705 which legislatively expressed my previous testimony. Specifically it called for $150 million for loan guarantees and $100 million for direct funding to be added to the Amtrak bill.

What is the series of events that one finds most incredible?

On January 28, 1972, a letter from Gerald Morgan, a vice president of Amtrak, to the Chairman of the Commerce Committee officially rebuffed the concept of additional funding. (Exhibit 5.)

On March 20, 1972, the ICC wrote Senator MAGNUSON supporting the concept of additional funding. (Exhibit 6.)

On April 20, 1972, Roger Lewis, president of Amtrak wrote Senator CLIFFORD CASE of the Senate Appropriations Committee clearly supporting the need for additional funding. (Exhibits 7 and 8.)

On April 21, 1972, the Senate Commerce Committee issued its report in support of the additional funding. (Exhibit 9.)

On April 29, 1972, the bill with the added money passed the Senate by a vote of 73 to 7.

On May 2, 1972, the following interview appeared in the Wall Street Journal. (Exhibit 10.)

I read in part from the article:

The sharply higher funding proposed for Amtrak by the Senate couldn't be "sensibly" used before fiscal 1974, Roger Lewis, chairman and president, said.

I shall go back to Mr. Lewis's comments on this article after I finish my remarks.

Now, for whose benefit was that statement made? Either Mr. Lewis is a fool or he is fronting for someone in the administration or the private railroad industry. Certainly his were not the words of an able business executive or the responses of a man who is captain of the ship.

The other day, I had occasion to attend the first year anniversary ceremonies of Amtrak. We were taken through the recently refurbished "Broadway Limited". Mr. Lewis pointed with pride to the new paint and upholstery. Mr. President, Congress did not intend to hire an interior decorator when it voted to bring Amtrak into being. Neither did Congress intend to continue the miserable unbroken record of deficits and wretched service put together by private enterprise.

Congress intended that there be top-notch intercity rail service that pays for itself.

All Mr. Lewis has done has been to ask for operating deficit subsidies, dress up the decadence of his equipment and, at somebody's order, have Amtrak "make a dive."

When the new paint peels, the upholstery wears thin, and the full page ads are recycled paper—what then? Under the Lewis "modus operandi," nothing.

Now, I do not know who is in this charade with Roger Lewis, but I am sure the subcommittee can find out. The Congress of the United States has made a decent rail service commitment to the people of this country. It did so because private enterprise dropped the ball. Heaven help anyone of either party who for philosophical or financial reasons is trying to derail that commitment.

Mr. President, as appears in my remarks, a letter bearing today's date has been sent to Chairman MAGNUSON by Vice President Gerald D. Morgan of Amtrak, which I submit as exhibit 11.

The letter shows evidence of the usual malaise which apparently presidents of Amtrak and politicians suffer from. The letter states, with reference to the article in the Wall Street Journal, that to the extent that anything reported in the Wall Street Journal article is inconsistent with the letter, that article is erroneous.

The letter states:

Mr. Lewis' position on this additional $150 million in capital funds was set forth in a letter of April 20, 1972, to Senator Robert Byrd and to Senator Clifford Case, as well as in a letter of April 28, 1972, from myself to Senator Robert Byrd.

In which letter he supports the additional funding.

He states further:

Mr. Lewis' position and Amtrak's position with respect to the added $150 million in guaranteed loan authority, as well as with respect to the method adopted by the Senate for financing our operating deficits, has not changed.

To the extent that anything reported in the Wall Street Journal article is inconsistent with the foregoing, that article is erroneous.

I do not think that article is erroneous. I have been working for more than a year, almost 2 years, with the officials of Amtrak, to get them to come out and state what the actual cost is going to be to the American public of constructing, not rehabilitating but constructing, decent intercity rail service in this Nation, and each time I have gone out there and tried to get the necessary capital funding, they take the attitude, "Well, let's not rock the boat here; let's just go along with covering our operating deficits."

There is no way, if you run the same trains over the same rights-of-way in the same way, that you are going to end up with anything other than the same deficits, and it is not the position of the Senate nor the Congress of this Nation to have a national rail policy that is one of continuing subsidies. If, in fact, we are to break that cycle, it is necessary that investments be made in the capital area and the research and development area. This is agreed to by everyone that I have spoken with in Amtrak, and it has surfaced in the letters that Mr. Lewis and his officers have written in response to certain congressional inquiries.

But then along comes Mr. Lewis' comment, at a time when this bill is about to go to conference, that additional funding is not needed.

The rail situation in this country today is a desperate situation, and it needs men who are willing to stand up, tell the truth, and fight for what is needed. These qualities are obviously missing in Mr. Lewis, and I would hope his resignation will be tendered immediately.

I yield back the remainder of my time.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., May 4, 1972.

ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR ROGER: For the reasons set forth in the accompanying statement, I feel the cause of rail passenger service in the United States would best be served by your stepping aside as President of Amtrak.

Candidly, I believe that once appointed to Amtrak your devotions should have been to the national policy embodied in the creation of that organization rather than to any individual or agency within or without the government.

Hopscotching is a tiring activity leaving the participant exhausted and ineffective.

That is not what our exhausted ineffective national rail situation needs.

Sincerely,

LOWELL P. WEICKER, JR.,
U.S. Senator.

EXHIBIT 2

STATEMENT BY SENATOR LOWELL P. WEICKER, JR., JUNE 10, 1971

Mr. President, from the actions of the Congress, the appearance has been given the American public that a brighter day lies ahead for rail transportation in the United States. Certainly the machinery exists to realize such a day. However, miserly funding for both urban mass transportation and intercity rail transportation holds back the dawn.

Today I will confine my comments to the situation at Amtrak, although what is said here is equally applicable to urban mass transportation. When Amtrak came into being, few people realized that the American public was to get yesterday's trains painted in today's political rhetoric. Now we need rhetoric to make Congress and the Administration aware of the appalling deficiencies in rail transportation, but rhetoric isn't going to move one human being from Boston to New York, Seattle to Chicago, Washington to Atlanta or Dallas to Los Angeles. New equipment will. Amtrak exists, but it cannot create. Existing is running the same equipment over the same roadbeds in the same time. The result can only be the same as that which drove us to create Amtrak in the first place—the slow atrophication and death of railroad passenger service.

Creating is operating high-speed trains in heavily-populated corridors, trains which will compete directly with the airlines and highways giving the United States a triple transportation capability. The new trains should be run like jet liners, not like steam locomotives. They should have the services of modern travel such as meals, central baggage handling, automated reservation systems. A "bubble-gum-and-bailing-wire" mentality is not what the Nation expects in the execution of its new ideas.

I am today introducing legislation to get Amtrak in the business of futuristic railroading rather than contemporary pacifying. The bill is simple. It authorizes a $90 million payment to Amtrak specifically for the purchase of high-speed trains which can utilize today's roadbeds. Based on current cost estimates, this amount will purchase 30 trains capable of carrying 240 passengers each.

The need and the opportunity for this kind of train is startlingly obvious.

Today, approximately 40% of all domestic air flights are under 350 miles.

Today, there are 2928 flights per day of less than 350 miles operating in the densely populated corridors centered on Atlanta, Chicago, Dallas, Los Angeles and New York alone.

Today, underutilized railroad stations exist in the centers of our major cities while overcrowded airports are often up to an hour from the cities they serve.

Today, air and highway traffic congestion are such that it is often faster to ride a conventional train—let alone a high-speed train—between cities, than it is to fly.

Today land costs and public opposition are increasingly limiting our ability to expand airports and highways, while existing rails sit idle.

Today the cost of a one way plane ticket from New York to Washington is $27 plus bus or taxi fares to and from the airports. Conventional train service costs $13 and eliminates the need for supplemental transportation.

Today airlines lose far more on short routes than on any other portion of their business.

Today the Metroliner between New York and Washington and the Turbo train between Boston and New York operate at 60–65% of capacity—far above conventional trains and even above planes operating along the same routes.

The need, then, for high-speed rail service is here, but the high-speed trains aren't.

Last year we launched an idea—Amtrak.

Today I propose that we launch a train—a train which will attract passengers because it is comfortable, fast, and economical, a train which will reduce highway and airway congestion, and will provide an important first step toward a truly balanced national transportation system.

Thirty high-speed trains running on routes of 200–350 miles can make 90 one-way trips per day. Assuming a capacity of 240 passengers, and a load factor of only 50%, this means 10,800 passengers per day and 3,942,000 per year. At an average fare of $20 per trip, this would mean revenues of $79 million a year for Amtrak—well covering the cost of operating such a service.

These trains can use today's roadbeds—a fact not to gloss over. It is estimated that the cost of straightening the track between Boston and New York *alone* would be $1 billion. With the technology already developed these are largely eliminated.

In 1970 we set up Amtrak with a one-time appropriation of $40 million and loan guarantees of up to $100 million—this for a railroad passenger system which was losing $200,000,000 annually. It was said at the time by the proponents of Amtrak that such initial financing could only constitute a holding operation.

I now propose to move rather than hold with an additional authorization and appropriation of $90 million—seemingly a large amount until it is put into perspective. During the coming year we will be asked to spend $3 *billion* for interstate highways and an additional $1 billion for primary, secondary and urban highways. Traffic and Highway Safety programs alone will cost $185 million; Highway Beautification will come to $66.3 million, and research and administration for the highway program will add $93 million more. The Interstate Commerce Commission, which only *regulates* the railroads, will receive $27 million.

Most important, I am proposing a one-shot capital grant, while these other programs will continue indefinitely, spending many billions far into the future.

Also, in calling for a capital grant for Amtrak, I am stating my firm opposition to endless operating subsidies for passenger service—a fate to which the corporation is now predestined. By providing new equipment and allowing Amtrak to provide the kind of service needed to attract public support, we give them the tools to do the job they were created to do—to run a modern, efficient rail passenger network—at a profit.

In effect, what happened on May 1 of this year was that the American people became the board of directors of Amtrak. They do not expect the kind of tired thinking and whining for subsidies that emptied the tracks of American railroads. They expect us to make America move by writing, not repeating the book.

EXHIBIT 3

U.S. SENATE,
July 26, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Thank you very much for the copy of S–2038 to be cited as High Speed Rail Passenger Equipment Act of 1971.

There is urgent need to provide ways and means for modernizing passenger cars, for procuring new cars and propulsion equipment, improving trackage, refurbishing existing terminals, constructing new modern terminals, etc. The Bill (S–2038) authorizes $90,000,000 in grants for the procurement of new equipment, and by so doing constructively attacks part of the total problem.

It would enable the Corporation to make a substantial start in the purchase of new propulsion equipment and new passenger cars. Broadening the Bill to authorize the use of the funds, or additional funds, for the rehabilitation of terminals and of existing equipment (including trackage) that warrant rehabilitation would be desirable. Whether the total amount authorized should be in the form of grants or of loans or loan guarantees is a question of policy for the Committee to decide. When Amtrak's marketing studies are completed, they will indicate the extent to which increases in ridership can be reasonably expected from new equipment and improvements in trackage. Additional funds will undoubtedly be necessary for these purposes, but in what amounts and over what time span it is difficult to predict now.

Respectfully,

GERALD D. MORGAN,
Vice President, Government Affairs.

EXHIBIT 4

TESTIMONY OF SENATOR LOWELL WEICKER, JR., BEFORE U.S. SENATE COMMERCE COMMITTEE, OCTOBER 26, 1971

Mr. Chairman, Members of this distinguished Committee: Thank you for the opportunity to appear before you on this vital matter of rail transportation in the United States. Thank you also, Mr. Chairman, for the tremendous foresight which you have brought to this subject in the past.

I think this hearing should either mark the beginning or the end of rail passenger service in our nation. Certainly, it would be a foolish and derelict Congress to accept the present policies of Congress and the instant dollar request of the Department of Transportation relative to Amtrak.

Along this line there are three propositions I would lay before your committee this morning:

First, I think it is past time that the Department of Transportation abandon its Capital bill tactics and level with the American people as to what Amtrak will cost if rail service in the United States is not only to survive but improve. Because the way I read it, if present D.O.T. inch by inch policies continue, the public will be stuck with a $310 million tab and *no* rail service.

I use the terms "Capital bill tactics" and "inch by inch policies" not in an attempt to disparage the true abilities of Secretary Volpe and his fine people but because it is my belief that their fears that Congress and the American people are not ready to pay for effective rail transportation have caused them to deliberately understate the cost of providing such service.

Thirdly, I am requesting of your committee, Mr. Chairman, that Amtrak be authorized not $170 million in additional funding but $270 million in additional funding and

$150 million in additional loan guarantee authority. In the alternative, I suggest your committee cease all federal support now thus practically ending all inter-city rail passenger service. I will detail the specifics for this request later in my statement, but generally speaking it is born of my recollection that when Amtrak was created the American people were led to believe that a brighter day lay ahead for rail transportation not that the only change was to be a change of name on the debt.

FINANCIAL

Let's take a brief look at the financial guts of Amtrak.

How was it financed?

First there was the $40 million grant authorized in the Rail Passenger Service Act of 1970—that was gone by mid-July.

Second, there was $65.7 million from the railroads as the first installment on a three year payment of $197 million allowing them to drop passenger service.

And that is all there is.

On November 1, Amtrak goes into the red, estimating it will lose $276 million by July 1, 1973. [Add to that $147 million for maintenance and minimal capital improvements and we come to a total debt of $423 million over the next 20 months.]

The bill before you today authorizes a $170 million appropriation through June, 1973. To raise the rest Amtrak must spend the remaining $143 in railroad entry fees plus $100 million in authorized guaranteed loans.

In other words, on July 1, 1973, Amtrak will have exactly zero dollars, will owe $100 million and will not have the equipment or the facilities to break out of its circle of deficits. At that point in time Congress will take on the role of making up the difference as an annual exercise. It is that possibility that I speak against. Alternatively, there is an opportunity that I would like to speak for.

The crux of this matter is adequate funding for capital improvements and research and development. With minimal exception Amtrak has no realistic plans in these areas. In fact, the $100 million loan guarantee fund originally contemplated as a source for capital improvements will be used for operating expenses. Gentlemen if we run the same cars, some locomotives over the same roadbeds with the same attendant baggage handling, food service, scheduling ticket service we will end up with the same deficit.

I would therefore suggest to your committee the possibility of avoiding the timidity exhibited by our colleagues in the executive branch of government by taking the following two steps.

First, adding $150 million to the guaranteed loan fund and restricting the resulting $250 million to capital improvements and research and development.

Secondly, recognizing that a revolutionary undertaking such as Amtrak is going to have extraordinary start-up costs and that the loan guarantee fund should not be used for operating expenses and grant a total of $270 million in direct funding to Amtrak.

Mr. Chairman there is no cheap way to create decent rail transportation in the United States. Especially when rails are still in the box of yesteryear with the highway lobby, rail corporations and rail unions sitting on the lid.

I have called for a two-year program with a potential cost of $420 million. In that same period approximately $10 billion will be spent on highways and $4 billion on airports.

Mr. Chairman, effective rail transportation is no longer the concern of the Chicago and New York commuter. It is an idea whose time has come for all Americans. The American traveller can't move, he is being slaughtered on the highways.

The America of homes and open space is being decimated by concrete. We are choked by pollution. So it is in the name of mobility, safety, conservation and the environment that the cause for the rails is now argued. The price tag is cheap today—out of sight tomorrow.

On June 10th of this year I put into the hopper S. 2038 calling for $90 million to Amtrak specifically for capital improvements. I understand D.O.T. officials said the funds requested were unnecessary, not needed. Today 4 months later they ask for $170 million.

I would hope this great committee would act the truth today rather than hear about it in 1973.

EXHIBIT 5

NATIONAL RAILROAD PASSENGER CORP.,
Washington, D.C., January 28, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for comments on Amendments to S. 2760 numbers 696 and 705.

The two amendments take differing approaches to the problem of expanding the funding for the operation and development of the national intercity rail transportation system by the National Railroad Passenger Corporation (Amtrak), but both would provide a considerable increase in the amounts to be made directly or indirectly available.

As the Committee knows, Amtrak has developed a program for meeting the operating deficits and providing for a realistic equipment improvement program for the immediate period before us. This program, which calls for the authorization and appropriation of $170 million, has been designed to meet our best expectation of Amtrak's needs until June 30, 1973, when the corporation by law and by contract enters into a different phase in its development. Prior to that date Amtrak must necessarily devise and bring before the Congress a detailed program for proceeding with its mission as set forth in the Rail Passenger Service Act of 1970. The current period, then, is a time of planning, continual improvement of operations, and action on those activities we have already identified as promising an immediate return in terms of ridership, revenues, and cost reduction.

While we would welcome obligational authority permitting us to order additional equipment and facilities for future delivery, our present program, which is incorporated in S. 2760, contains the actual funding support we have determined that Amtrak needs for the present.

Respectfully,

GERALD D. MORGAN,
Vice President, Government Affairs.

EXHIBIT 6

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., March 20, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: This supplements my letters to you dated December 17, 1971, and January 25, 1972, concerning bills which propose to amend the Rail Passenger Service Act of 1970. The bills are S. 2760, the proposed amendments thereto, S. 2875 and S. 2938.

In our report to the President and the Congress on Amtrak, dated October 30, 1971, we reported that immediate attention should be given to reviewing the future financial needs of Amtrak. Because of its poor financial condition, supplemental financing is necessary in order for Amtrak to meet its objectives and to provide quality service. It will take a number of years to rebuild and renew the necessary rolling and plant equipment for rail passenger service. More importantly, it will take money. It is apparent that at least in the initial years, Federal funds will have to be provided for that purpose and also to meet operating expenses. On this basis, we support the provisions of S. 2760 and amendment No. 705, which provide additional funds.

We also support the provisions of amendment No. 705 which would amend section 602 of the act so as to increase the loan guarantee ceiling while at the same time expanding the types of expenditures for which guarantees can be made. In F.D. 26902, National Railroad Passenger Corp., Notes, the Commission approved issuance of $100 million in notes by Amtrak which are guaranteed by the Secretary of Transportation pursuant to section 602 of the act. Since that time, the financial condition of Amtrak has worsened and the funds that were acquired through the loan guarantee provisions have been exhausted.

The credit agreement under which Amtrak obtained the $100 million loan points up a need for clarification of a provision of section 602 of that act. At pages 9 and 10 of the credit agreement, it is provided that the aggregate unpaid principal amount shall at no time exceed $87 million, until such time as section 602 is amended to give assurance that the $100 million limitation in section 602 will not be interpreted as a limitation upon the combined total of principal and interest, rather than as a limitation upon principal alone. Therefore, section 602 of the act should be amended to show whether or not the $100 million guarantee limit covers principal, or principal and interest.

The credit agreement also provides that only $45 million can be drawn down unless section 602 of the act is amended by April 15, 1972, to provide the Secretary of Transportation with authority to issue notes or other obligations to the Secretary of the Treasury in order to discharge his responsibilities under guarantees issued pursuant to that section. If section 602 is not amended, the creditor will not release funds in excess of that figure and can, at its option, demand payment of the loan principal and interest. Our information is that Amtrak has exhausted the $45 million received in guarantees. Therefore, to make additional funds available and to preclude demand payment by the creditor of the total outstanding loan, we recommend that section 602 of the act be amended to provide the Secretary of Transportation with the necessary authority to issue notes and other obligations to the Secretary of the Treasury for the purposes mentioned above.

As to the provisions of amendment No. 696 which provide for loans and loan guarantees to Amtrak and to regional planning agencies for the development, improvement, and construction of rights-of-way, terminals and vehicles for use in urban corridors, we repeat our position that Amtrak needs and should receive additional funds; however, we cannot unqualifiedly endorse these provisions for two reasons. First, they do not provide for a coordinated national plan formulated and overseen by the Secretary of Transportation. This could be overcome by inserting a provision giving preeminence to a master Federal plan.

Second, they accord special treatment to urban corridors. During hearings on the National Rail Passenger Service Act, we opposed a regional approach in favor of a strong national network. We can support an urban corridor concept only if it can be demonstrated that special treatment for urban corridors will increase operating revenues which can be used to improve the entire Amtrak system.

S. 2875 and amendment No. 1014 to S.2760 would prohibit Amtrak from terminating or modifying the right to free or reduced rate transportation granted by a railroad to an employee upon retirement prior to the time the railroad's service was assumed by Amtrak. S. 2938 would have the effect of freezing any pass privileges extended to railroad employees as of the date of the enactment of the Amtrak Act. The term "employee" means any railroad or terminal company employee, retiree, or dependents of either.

Section 1(7) of part I of the Interstate Commerce Act authorizes, but does not require, the giving of free or reduced rate transportation to railroad employees and their families. Also included are "furloughed, pensioned, super-annuated, or disabled employees and their families."

Historically, the railroads have granted free or reduced rate transportation to active and retired employees and to their families, subject to the rules of the individual carriers. In recent years, the railroads have substantially reduced these privileges so that just prior to Amtrak's incorporation, most employees received free transportation for themselves and families over the lines of the employing company only. Reduced rates were available on other railroads.

The bills would require Amtrak to honor prior free or reduced rate commitments made by the railroads and would increase the financial burden of Amtrak. We have already concluded that Amtrak is in serious financial condition, and we do not favor imposing upon it the added costs which would result from enactment of these bills. If the Congress, however, determines that it is advisable to legislate the continuation of the pass privilege for railroad employees, it should consider also whether Amtrak rather than the railroads should be required to bear the cost.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman.*

EXHIBIT 7

U.S. SENATE,
Washington, D.C., April 19, 1972.

Mr. ROGER LEWIS,
Chairman and President, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. LEWIS: As you may know, the Transportation Appropriations Subcommittee, of which I am the ranking member, this week marked up its portion of the second supplemental which contains a two-year appropriation for Amtrak.

While the Administration is asking $170 million for the two years, I believe $270 million is a more realistic figure and I intend to offer an amendment, in the full Appropriations Committee, providing this amount.

The $270 million appears to be in line with the authorization figure the Commerce Committee soon will recommend to the Senate.

To help me prepare for the full Appropriations Committee mark-up, I would appreciate being advised as follows:

1. Can Amtrak use the additional $100 million? If so, how would the money be used?

2. What effect would an additional $100 million have on Amtrak's loan guarantee authority and, therefore, on its capital improvement program? What *new* equipment or systems would be procured as a result?

3. Already, I understand, Amtrak has used about $45 million of its loan authority for operations and maintenance. Provide examples where this is the case.

4. Do you not agree that the loan authority and railroad payments should be used for capital improvement? In the circumstances, how would this affect Amtrak's financial picture and/or operating capability in fiscal 1972 and 1973 if Congress provides only $170 million in appropriations?

5 What was Amtrak's appropriation request of the Department of Transportation and/or the Office of Management and Budget for fiscal 1972 and 1973?

6. What are the corporation's prospects for eventually operating without Federal subsidy?

7. What are the terms as to interest rate and time of the loans Amtrak has made? How does it intend to repay them?

8. What steps is Amtrak taking to assure that its passengers' full needs will be considered and that they will be treated with thoughtfulness and courtesy on the telephone, in the terminals and on the trains?

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

EXHIBIT 8

NATIONAL RAILROAD PASSENGER CORP.,
Washington, D.C., April 20, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: This is in reply to your letter of April 19, 1972, in which you asked us a number of questions regarding our funding.

Our answer to your question #5 is in many respects necessary to the answer of the other questions. When Amtrak started out its operations, it had a $40 million grant from Congress, $100 million in guaranteed loan authority, and an entitlement to monthly capital payments from the railroads in the amount of about $5.5 million per month for 36 months. We regarded the grant as money to be used for pre-incorporation start-up, and operating purposes, and the loan authority and capital payments from the railroads to be used only for capital purposes. Accordingly, when we were running out of the $40 million grant, we immediately urged the Department of Transportation to ask the Office of Management and Budget to clear a request to Congress for an authorization of an appropriation of about $260 million to finance our expected deficits for fiscal year 1972 and fiscal year 1973. We expected the loan authority and the railroad capital payments to remain available exclusively for financing our capital program projected in the amount of $340 million which extended over five fiscal years. The Department accordingly requested the OMB for such clearance.

The OMB took a different view. They pointed out that the route structure was going to have a complete review in 1973, and for this reason we should not be planning a capital program beyond June 30, 1973, since it might have to undergo drastic revisions as a result of Congress' actions on the route structure after that date. Our capital program through June 30, 1973, amounted to $147.5 million. The OMB added up all of our cash requirements, both operating and capital, through June 30, 1973, which came to $410.7 million, and then they added up all of our cash resources—namely the $100 million in guaranteed loan authority, the $143.3 million in capital payments from the railroads through June 30, 1973, and concluded that through June 30, 1973, all we needed in addition was $160 million plus $10 million for interest payments on the guaranteed loan. We were in complete agreement with this method of funding our programs through the so-called experimental period.

The Senate Commerce Committee reported a bill on April 19, 1972, which in essence goes back to the philosophy of our original request to the DOT asking $260 million in appropriations for operating purposes (plus the $10 million for interest on our guaranteed loan), and treating the guaranteed loan authority and the capital payments from the railroads as available only for capital purposes.

Now returning to your question #1: Amtrak will be required in any event to spend for operating purposes through June 30, 1973 (together with interest on the outstanding guaranteed loan), about $270 million. The Commerce Committee bill by authorizing an appropriation of this amount in effect provides for these expenditures to be made entirely from appropriations. Under the bill as it passed the House, authorizing an appropriation of $170 million, however, some of these operating expenditures will have to come from the guaranteed loan and some from the railroad capital payments. The effect of the $100 million additional authorization is to free-up a combination of the guaranteed loan and the railroad capital payments in the aggregate amount of $100 million, which otherwise would have to have been used for operating purposes, and make such funds available for capital expenditures.

In answer to your question #2: An addition of $100 million or $150 million to the guaranteed loan authority [$150 million additional is provided in the Commerce Committee bill] would make additional funds available to Amtrak for capital purposes. Amtrak would have greater flexibility in making longer-term commitments for equipment and facilities. It could also work out arrangements with the railroads for some improvements in the rights of way. As to what new equipment or facilities would be procured, we have been investigating the capability under differing conditions and the costs of operating and maintaining the TurboTrain. We have also been investigating the British APT as well as the French Turbine Powered train, and, longer range, air cushion and linear induction propelled vehicles. We have not as yet come to a decision on equipment for the United States rail passenger system of the future.

Answering your question #3: The $45 million that has been available to Amtrak out of the $100 million guaranteed loan has been used to pay the railroads' operating bills, as well as to purchase some cars, refurbish equipment and to make partial payments on the purchase of used locomotives from the railroads.

Answering your question #4: It was Amtrak's original purpose to use the loan authority and the railroad capital payments for capital improvements. If the loan authority, the railroad capital payments, and the appropriations by Congress, can be used for either operating or capital purposes, Amtrak could operate through June 30, 1973, and at the same time carry out its two-year capital program of $147.5 million. If the railroad capital payments and the guaranteed loan authority are restricted solely to capital improvements, however, and only $170 million is appropriated for operating expenses, Amtrak would not be able to operate until June 30, 1973.

In answer to your question #6: The answer to this question depends upon how extensive a route structure Congress wants Amtrak to operate after June 30, 1973. We have services which make money on a cash, above-the-rails, basis today. We have other services that have the potential for making money. There are others which in our judgment may never make money.

In answer to your question #7: The interest rate on our guaranteed loan is at the Federal Funds Rate adjusted weekly (presently at 4¾%), plus ½%, and plus an additional ⅜% for the guarantee by the FRA. Our guaranteed loan runs until December 31, 1973. At that time we will have to ask for an extension or attempt to refund it, unless funds are available to repay it before that date.

In answer to your question #8: Amtrak has contracted with Continental Airlines to conduct a course for all the Penn Central's service personnel to teach them how to exhibit thoughtfulness and courtesy at all times when they are dealing with passengers. When Continental has finished with the Penn Central employees, it will be extended to the employees of other railroads.

Amtrak has already taken over the ticketing and reservations function in Chicago. Plans are presently underway to take over all ticket offices and associated functions elsewhere. This will place all persons manning these functions under the direct man-

agement of our Service Department which is solely committed to providing courteous, efficient and cost-effective services to our passengers.

As a continuing check on the performance of all our service personnel, an evaluation program is used to evaluate, note inadequacies and indicate corrective action required to bring these services to the required levels. Formats for these evaluations are included as Attachments #1, #2, and #3. The corrective action indicated to be necessary is directed by our regional and local managements.

I have only this to add. Both the Senate and House authorization bills authorize an annual appropriation of $2,000,000 to enable Amtrak to operate the international services. If Congress desires these services, an additional $2,000,000 will be required.

I hope the above is responsive to your questions.

Kindest regards,

Sincerely,

ROGER LEWIS,
President.

EXHIBIT 9

FEDERAL GRANTS

Section 9 amends section 601 of the act to increase the direct Federal funding of Amtrak by $270 million from the initial $40 million to a total of $310 million. This is $100 million more than the additional amount requested by Amtrak and the Department of Transportation.

There has been general agreement outside of Amtrak and the Department of Transportation that Amtrak is grossly underfunded. Both agencies now agree, as they have requested an additional $170 million. However, the Committee's evaluation of Amtrak's financial projections indicates that the $170 million will allow Amtrak to continue operating not longer than July 1973 while making only minimal capital improvements. By that date Amtrak will likely be completely without funds; will owe $100 million; and will not have the modern equipment and facilities needed either to improve its financial results or to provide the quality of passenger service necessary to attract substantial numbers of people and thus make a real contribution to the total transportation picture.

The additional $270 million in direct aid which the Committee is recommending should enable Amtrak to decisively surmount its start-up and transition expenses to, hereafter, devote the full amount of the loan guarantee proceeds to capital improvements.

In view of the many years of deterioration of the Nation's rail passenger system, rebuilding and modernizing it will be expensive. However, compared to what has been and will continue to be spent on highways and air facilities, it should prove to be a tremendous bargain. During the next 2 years alone, approximately $10 billion will be spent on highways and $4 billion will be spent on airports and airways.

Section 601 is further amended to provide for development and operation of international rail services between the United States and the following international points: Montreal and Vancouver, Canada and Neuvo Laredo, Mexico. The Committee believes that these additional services will provide important benefits for Amtrak's tourist and vacation traffic, will encourage more foreign tourists to visit the United States, and will further good relations with our neighbors to the north and south.

GUARANTEES OF LOANS

Section 10 amends section 602 of the act to increase the loan guarantee authority from $100 to $250 million, and to include the technical changes suggested by Amtrak and the Department of Transportation to make the loan guarantee authority fully effective. The Committee believes that it is imperative for Amtrak to have sufficient resources to make basic improvements in its services. While an additional $150 million in borrowing power will not enable major rebuilding of tracks and roadbeds, it should enable Amtrak to make substantial improvements in equipment, terminals, and reservation procedures, which together with judicious, if limited, track improvements could improve service and thereby patronage.

After enactment of this act no loans made under this section can be applied to operating expenses since the increased loan guarantee authority in the bill is specifically limited to expenditures for capital improvements. However, under subsection 10(b) of the bill the new subsections 602 (b), (c), (d), (e), and (f) apply to guarantees made prior to this act. But section 602(a) would apply prospectively so as to avoid any question about the effectiveness of the Federal guarantee of loans which were made previously for purposes other than capital expenditures.

The section also clarifies that any guarantee by the Secretary extends to both principal and interest and constitute general obligations of the United States backed by the full faith and credit of the Government of the United States.

EXHIBIT 10

[From the Wall Street Journal, May 2, 1972]

AMTRAK SEES NO NEED FOR SENATE-VOTED RISE IN FUND UNTIL FISCAL '74

WASHINGTON.—The sharply higher funding proposed for Amtrak by the Senate couldn't be "sensibly" used before fiscal—1974, Roger Lewis, chairman and president, said.

Mr. Lewis, speaking to newsmen after the first-birthday ceremony of the National Railroad Passenger Corp., said the $400 million the Senate has voted—on top of an Amtrak request for $170 million—might be needed "down the road." But through fiscal 1973, which ends June 30 of that year, the $170 million would be all that Amtrak could "sensibly commit," Mr. Lewis said.

In the meantime, he said, Amtrak needs to determine its future equipment needs for each of its passenger routes. The law that created Amtrak gives the semi-public corporation the power, as of July 1, 1973, to drop whatever routes it then considers too marginal.

During the ceremony at Washington's Union Station, Mr. Lewis said Amtrak plans to spend $100 million this year to acquire new locomotives and passenger cars. So far, it has allocated about $10 million to purchase and upgrade used locomotives and cars, Mr. Lewis said after the ceremony that the "major part" of the $100 million will pay for new cars.

An Amtrak spokesman said the corporation is considering a number of proposals for high-speed trains, including ideas from France, England and United Aircraft Corp. in the U.S. In addition, it is considering purchasing more Metroliner-type cars; the current Metroliners in use between New York and Washington were built by Budd Co., which has dropped out of the railroad car business. He also suggested that new conventional equipment such as sleeping cars might eventually be required for long-distance trains.

The new cars would replace the oldest Amtrak equipment, a spokesman said. The first full refurbished train will go into service today as the Broadway Limited between New York and Chicago, joining at Harrisburg, Pa. Five more renovated trains will begin service for the summer season, starting in June, Amtrak said.

These trains are the Super Chief, between Chicago and Los Angeles; the City of San Francisco, between Chicago and San Francisco; the Coast Daylight-Starlight, on the Seattle-Los Angeles route; the Silver Meteor, between New York and Miami, and the Merchants Limited, between New York and Boston.

Mr. Lewis said "additional millions" will be used in the coming year to build new stations and improve existing ones, improve track and rights-of-way and begin a research and development program. An Amtrak report for its first year of operation said the corporation has begun an effort to upgrade about 100 of its 370 stations, including modernizing facilities for some.

Commenting on Amtrak's on-time performance, the subject of some criticism, Mr. Lewis said Amtrak trains ran on time 81% of the time in the first quarter of this year, up from 74% in the final 1971 quarter. The corporation report noted that the on-time performance for long-haul trains rose from 45% at the start of the year to above 75% at mid-March.

Although Mr. Lewis' comments after the Amtrak ceremony stressed Amtrak's inability to use more than $170 million addition funds through fiscal 1973 for covering its operating deficit and buying equipment, there were reports last year that Amtrak had unsuccessfully sought administration approval of a $260 million budget request. Those reports were confirmed in a letter written last week by Mr. Lewis to Sen. Robert C. Byrd (D., W.Va.), chairman of the Senate Transportation subcommittee, an Appropriations Committee unit.

The Lewis letter, in response to the subcommittee's query, said that the $270 million in direct grants in a bill approved last week by the Senate Commerce Committee would authorize basically what Amtrak had sought last year. Its $260 million request was trimmed to $170 million by President Nixon's Office of Management and Budget.

The Senate Commerce Committee also approved a provision that would authorize the Transportation Department to guarantee repayment of an additional $150 million in private loans to Amtrak, financing the Senate sponsors hope will be spent on modern trains and terminals. On the Senate floor, another $50 million in federal loans and $100 million in loan guarantees to improve tracks and roadbeds of 15 heavily traveled intercity corridors was added.

EXHIBIT 11

MAY 4, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Roger Lewis asked me to respond to your inquiry of May 3, 1972, regarding the confusion generated by a news article in the Wall Street Journal of May 2.

(1) Under the bill (H.R. 11417) as it passed the House, all of our resources are available for use either for operating purposes or for capital purposes, and consequently our two-year estimated deficit of $270 million can be financed by an appropriation of only $170 million, and our two-year capital program of $147.5 million can still be carried out in full.

(2) Under the bill as it passed the Senate, the guaranteed loans can only be used for capital purposes, and so it was necessary to add $100 million to the amount to be appropriated in order to enable Amtrak to meet its estimated deficit for the two fiscal years.

(3) Under both bills, Amtrak will have available for operating purposes $270 million. It does not have any more funds for that purpose under the Senate bill than it does under the House bill.

(4) The Senate bill, however, also adds $150 million to the guaranteed loan authority, and limits the use of proceeds from such loans to capital purposes.

(5) Mr. Lewis' position on this additional $150 million in capital funds was set forth in a letter of April 20, 1972, to Senator Robert Byrd and to Senator Clifford Case, as well as in a letter of April 28, 1972, from myself to

Senator Robert Byrd. Copies of these letters are enclosed herewith.

(6) Mr. Lewis' position and Amtrak's position with respect to the added $150 million in guaranteed loan authority, as well as with respect to the method adopted by the Senate for financing our operating deficits, has not changed.

(7) To the extent that anything reported in the Wall Street Journal article is inconsistent with the foregoing, that article is erroneous.

Mr. Lewis is out of the city at the present time, and that is the reason he asked me to respond to your inquiry for him. He has personally approved this letter.

Respectfully,

GERALD D. MORGAN,
Vice President, Government Affairs.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

Mr. WEICKER. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

(The remarks of Mr. JAVITS made on the introduction of S. 3576 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

CONFERENCE REPORT ON BLACK LUNG BILL—TIME LIMITATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as the black lung conference report is called up, there be a time limitation thereon of 1 hour to be equally divided between the distinguished senior Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from New York (Mr. JAVITS).

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

Mr. ROBERT C. BYRD. Mr. President, it is hoped that the conference report can be called up fairly early this afternoon. There may be a rollcall vote thereon, or there may not be.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 10 minutes with the usual 3-minute rule.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILE

A letter from the Director of the Office of Emergency Preparedness transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program for the period July 1 to December 31, 1971 (with accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION PROVIDING FOR CONTRIBUTIONS TO THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER

A letter from the Assistant Secretary of State submitting proposed legislation providing for payments by the United States of annual contributions to the International Agency for Research on Cancer (with accompanying papers) to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Examiner of Financial Statements fiscal years 1971 and 1970 Panama Canal Company and Canal Zone Government (with accompanying report); to the Committee on Government Operations.

FINANCE REPORT OF THE NATIONAL SAFETY COUNCIL

A letter from the president of the National Safety Council transmitting, pursuant to law, a report on the audit of the financial transactions of the National Safety Council for the year 1971 (with accompanying report); to the Committee on the Judiciary.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Three letters from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, copies of orders entered concerning certain persons (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE CIVIL SERVICE COMMISSION

A letter from the chairman of the Civil Service Commission submitting a financial report (with accompanying paper); to the Committee on Post Office and Civil Service.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator of Environmental Protection submitting, pursuant to law, a report on the national requirements and costs of water pollution control (with accompanying report); to the Committee on Public Works.

ENROLLED BILL SIGNED

The enrolled bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels was signed today, May 4, 1972, by the President pro tempore.

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. JAVITS (for himself and Mr. BUCKLEY):

S. 3576. A bill to amend title 44 of the United States Code to designate the Daniel Reed Library at the State University College of Fredonia, in Fredonia, N.Y., as a depository library. Referred to the Committee on Rules and Administration.

By Mr. BIBLE:

S. 3577. A bill for the relief of Daisy Santa Maria Alonso; and

S. 3578. A bill for the relief of Angel C. Alonso. Referred to the Committee on the Judiciary.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3579. A bill to amend title 18 of the United States Code to permit certain mailings of newspapers carrying advertisements of State sponsored lotteries and of lotteries legal under applicable State law. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3580. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3576. A bill to amend title 44 of the United States Code to designate the Daniel Reed Library at the State University College of Fredonia, in Fredonia, N.Y., as a depository library. Referred to the Committee on Rules and Administration.

Mr. JAVITS. Mr. President, on behalf of my colleague from New York (Mr. BUCKLEY) and myself, I introduce for appropriate reference a bill to designate the Daniel Reed Library at the State University, College of Fredonia in Fredonia, N.Y. as a depository library.

Daniel Reed served as a Representative from the 43d Congressional District, which is now the 38th District, for 40 years and became chairman of the House Ways and Means Committee which made the first major revision in the income tax laws in 50 years. Dan Reed served his

district, his State, and his country long and well, and this would be a fitting tribute to that service.

I knew him well; I served with him. He was a very noble gentleman and richly deserves the fine memorial which will be represented by the Daniel Reed Library.

The Daniel Reed Library has been designated as a center for governmental studies with the purpose of providing resources and a facility for the study of governmental institutions and public affairs including legislative, administrative, and judicial organization and processes; intergovernmental relations; formulation of public policy; and taxing and expenditures of Federal, State, and local governments with particular attention to the western New York area.

Its major objectives are to facilitate academic research on Federal, State, and local governments, to provide public officials in the western New York area with needed information for the teaching and training of students interested in pursuing careers in local, State, and National government service, and to provide sources and assistance to local citizens working on governmental matters.

Fredonia is located approximately 30 miles from the county seat in Mayville and 35 miles from Chautauqua Institution, and renowned cultural and educational center. These two areas, as well as the city of Jamestown, Chautauqua County's largest city, involve a distance of approximately 40 miles.

A companion bill H.R. 13661 has been introduced in the House by Representative HASTINGS, who now represents the 38th District.

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

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

S. 3576

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

SECTION 1. (a) The Congress finds—

(1) that the Daniel Reed Library at the State University College at Fredonia in Fredonia, New York, has been designated as a Center for Governmental Studies with the purpose of providing resources and a facility for the study of governmental institutions and public affairs including legislative, administrative, and judicial organization and processes, intergovernmental relations, formulation of public policy, and taxing and expenditures of Federal, State, and local governments with particular attention to the western New York area; and

(2) that the major objectives of the Daniel Reed Library are to facilitate academic research on Federal, State, and local governments, to provide public officials in the western New York area with needed information for the teaching and training of students interested in pursuing careers in local, State, and national government service, and to provide sources and assistance to local citizens working on governmental matters; and

(3) that Daniel Reed served as a Congressman from the Forty-third Congressional District, now the Thirty-eighth, for forty years and rose to head the key House Ways and Means Committee, and as its chairman was credited with writing the first major revision of the Federal tax laws in fifty years, and further, he was an untiring defender of the American way of life and was one of the Nation's leaders during the administrations of Presidents Roosevelt, Truman, and Eisenhower.

(b) It is, therefore, the purpose of this Act to provide for the designation of the Daniel Reed Library as a depository library.

SEC. 2. Chapter 19 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1915. Daniel Reed Library designated as a depository library.

"Notwithstanding any other provisions of this chapter, the Daniel Reed Library at the State University College at Fredonia in Fredonia, New York, is designated as a depository library for the purpose of this chapter.".

SEC. 3. The chapter analysis of such chapter 19 is amended by inserting immediately below the item relating to section 1914 the following:

"1915. Daniel Reed Library designated as a depository library.".

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3579. A bill to amend title 18 of the United States Code to permit certain mailings of newspapers carrying advertisements of State-sponsored lotteries and of lotteries legal under applicable State law. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague Senator CANNON, I introduce for appropriate reference a bill to amend title 18 of the United States Code to permit certain mailings of newspapers carrying advertisements of State-sponsored lotteries and of lotteries legal under State law.

Among other things, section 1302 of title 18 makes it a criminal offense to deposit in the mail or to send or deliver by mail any newspaper or publication of any kind containing any advertisement of a lottery or other gaming activity. It makes no difference that the lottery or other gaming enterprise is entirely lawful in the State where it is conducted. Nor does it make any difference that the reference to a lottery or other game of chance in a particular publication occupies only a small part or is merely incidental to the overall purpose of that publication. If the material is viewable as a gaming advertisement, it is barred from the postal system, and violations of the law are punishable by heavy penalties.

We have a situation today in which not only my State of Nevada but more and more of our States are turning to legalized gaming enterprises in an effort to generate revenues to pay the increasing cost of essential public services. The passage of the New Hampshire Sweepstakes in 1963 precipitated widespread interest in legalized gambling. Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania—and recently Connecticut—have established State-conducted or State-sponsored lotteries. New York has legalized off-track parimutuel betting. And many other States appear to be looking with increasing interest at legalizing lotteries, off-track betting, and other forms of gaming.

The existing prohibition against the mailing of gaming advertisements makes the task of promoting and disseminating information concerning these enterprises unnecessarily difficult. Newspapers carrying advertising for legal gaming enterprises may not send their papers through the mail. The larger papers that print more than one edition can delete such matter from the papers they mail, but the law is particularly hard on smaller newspapers that are unable to run extra editions and must rely on the mail to serve rural and outlying areas. The gaming enterprise may be entirely lawful where the newspaper does business, but it may not be advertised in papers intended for the mails.

Mr. President, I think the time is ripe for a reevaluation of this aspect of the Federal criminal code. The public revenues generated by lawful gaming enterprises are needed to meet the increasing cost of essential public services. In view of the broadened interest in legalized gambling, I think we must take a new look at those of our laws that make it a crime to use the mails to advertise legitimate and lawful gaming enterprises.

The bill I am introducing today would amend the present law to permit the mailing of newspapers and similar publications containing gaming advertisements so long as the gaming enterprise involved is legal under the applicable law of a State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States.

By Mr. HARTKE:

S. 3580. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HARTKE. Mr. President, today I introduce legislation which would provide that the historic property known as the Congressional Cemetery be acquired, protected, and administered by the Secretary of the Interior as part of the parks system of the National Capital.

The Congressional Cemetery is now owned by Christ Church, Washington Parish. This historic property is listed on the National Register of Historic Places. Although it is eligible for assistance under the grants-in-aid program authorized by the National Historic Preservation Act of 1966 (80 Stat. 915), I am informed that the funding level of the grants-in-aid program is far below the total of matching funds available. I am further informed that the District of Columbia Liaison Officer for Historic Preservation believes that the combination of numerous high-priority projects and limited grant funds makes it unlikely that funds can be provided for the rehabilitation of the Congressional Cemetery within the next few years.

In January of this year, Mrs. C. R. Bundy, of New Castle, Ind., wrote to me and described her shock at the reported condition of the Congressional Cemetery. In her letter she included an article which cited the fact that both neglect and vandalism are ruining the Washington burial place of many famous Americans.

Mr. President, I ask unanimous con-

sent that this newspaper article be printed at this point in the RECORD.

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

NEGLECT AND VANDALISM RUINING WASHINGTON BURIAL PLACE OF MANY FAMOUS AMERICANS

(By Jack Kelley)

The country's oldest national cemetery is becoming a forgotten monument to neglect and vandalism.

Historic family vaults, their doors torn off, are littered with beer cans, whiskey bottles and decaying leaves. Along its unkempt pathways, headstones tilt uncertainly in clutching tangles of high grass and weeds.

The small gray chapel, built in 1902, is no longer used. Some of its stained-glass windows are boarded over, others riddled by rocks.

Yet Congressional Cemetery in Washington, D.C., is the resting place of no less than 56 senators and 75 members of the House of Representatives. Three Presidents—John Quincy Adams, William Henry Harrison and Zachary Taylor—were buried there until their bodies were removed to other sites.

And the names of "march king" John Philip Sousa, civil war photographer Matthew Brady, and the children of Vice-President John C. Calhoun appear among its fading sandstone markers.

When Congressional Cemetery was opened in 1807, it was intended primarily for members of Congress. Five years later a citizens group bought the land and donated it to the then-prosperous Christ Church and in the next century and a half, hundreds of soldiers and thousands of ordinary citizens were buried there as well.

But over the decades, the face of Washington changed and Christ Church changed with it.

"The neighborhood is no longer very rich and we don't have much money," admitted Rev. David Dunning, the current pastor.

"The cemetery requires a tremendous amount of care but the income from it is quite low.

"It would be best if the government or a city agency took it over, because it should have better care and we are not able to do it."

Cemetery superintendent Fritz Lehmann told The Enquirer: "I'm continually fighting an uphill battle against weeds, the high grass and the steady deterioration of the tombs, vaults and family plots.

"Many of the historical artifacts have been pilfered over the years by thieves. We used to have a night watchman," he said, but now a German shepherd chases nocturnal prowlers.

The cemetery is located in the middle of a high crime area.

"It would cost $150,000 to work this place back into shape and $50,000 a year to maintain it properly," Lehmann said. "Even a simple job like straightening and repairing the gravestones could keep a stonemason busy for over a year."

Lehmann said he sees little hope of financial help from the government, however. "Although Congressional Cemetery is listed on the National Register of Historic Sites, it is not eligible for federal aid because it is not classified as a historic landmark," he explained.

"I can think of so many things I'd like to do here—if only I had the money."

Mr. HARTKE. Mr. President, in response to Mrs. Bundy's letter, I wrote to the Department of the Interior to inquire about the status of the Congressional Cemetery. I ask unanimous consent that the response of Ernest Allen Connally, Associate Director of the National Parks Service be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 3, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for your letter of January 26 to Mr. Nick L. Laird, Office of Congressional Liaison, concerning the Congressional Cemetery in Washington, D.C.

The Congressional Cemetery is owned by Christ Church, Washington Parish. This historic property is listed on the National Register of Historic Places and, consequently, could become eligible for assistance under the grants-in-aid program authorized by the National Historic Preservation Act of 1966 (80 Stat. 915), as amended, which is described in the enclosed folder, "The National Register of Historic Places," and the fact sheet on the grants-in-aid program.

However, the funding level of the grants-in-aid program is far below the total of matching funds available from the States, and we have been informed by the District of Columbia Liaison Officer for historic preservation that the combination of numerous high-priority projects and limited grants funds makes it unlikely that funds could be provided for the rehabilitation of the Congressional Cemetery within the next few years.

The "Budget of the United States for Fiscal Year 1973," under "Preservation of Historic Property, National Park Service," page 586, requests $6,205,000 for the grants-in-aid program. This is an increase of $225,000 over the program's 1972 appropriation of $5,980,000.

We appreciate your interest in the programs of the National Park Service.

Sincerely yours,

ERNEST ALLEN CONNALLY,
Associate Director.

Mr. HARTKE. Mr. President, Congressional Cemetery is the resting place of no less than 56 Senators and 75 Members of the House of Representatives, three Presidents—John Quincy Adams, William Henry Harrison, and Zachary Taylor—were buried there until their bodies were moved to other sites. Such eminent Americans as John Philip Sousa, Matthew Brady, and the children of Vice President John C. Calhoun, were buried in the cemetery. Now another famous American has joined the list of those buried in Congressional Cemetery—J. Edgar Hoover.

Mr. President, I believe that the condition of Congressional Cemetery is a national disgrace. Because it is apparent that grant funds under the National Historic Preservation Act will not be available for use in improving the conditions at the cemetery, I am today offering legislation which would authorize the Secretary of the Interior to acquire the cemetery property by donation or with donated funds for administration as a park of the park system of the National Capital.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act of 1971.

S. 855

At his own request, Mr. GRIFFIN was added as a cosponsor of 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.

S. 3449

At the request of Mr. ROBERT C. BYRD for Mr. JACKSON, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3487

At the request of Mr. TUNNEY, the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 3487, a bill to amend the Public Health Service Act to provide for research into the chronic effects of microwave radiation.

S. 3568

At the request of Mr. ROTH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 3568, a bill to designate the Federal Bureau of Investigation building now under construction in Washington, D.C., as the "J. Edgar Hoover Federal Building."

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 271

At the request of Mr. TOWER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Resolution 271, expressing the sense of the Senate that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program.

FAIR LABOR STANDARDS AMENDMENT OF 1972—AMENDMENT

AMENDMENT NO. 1177

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.

Mr. BENTSEN. Mr. President, on March 9, 1972, I introduced S. 3318, a bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. At that time, I noted mounting evidence that government employees are being discriminated against on the basis of their age.

The present age discrimination law empowers the Secretary of Labor to move against age discrimination practices in

the private sector, but it specifically exempts employees of Federal, State and local governments. In my view, that exemption is unsupportable.

In the recent debate on the EEOC amendment, the Senate overwhelmingly approved including Federal, State, and local employees under the provisions of title VII of the Civil Rights Act. The committee report said, on page 9:

The Committee believes that employees of State and local governments are entitled to the same benefits and protections in equal employment as the employees in the private sector of the economy.

Moreover, the committee included Federal employees in the bill, with their rights being protected by the Civil Service Commission.

I believe that the principles underlying these provisions in the EEOC bill are directly applicable to the Age Discrimination in Employment Act.

We know that older workers have suffered severe losses in employment during the past 2 or 3 years. From January 1969 to September 1971, unemployment for persons 45 and older jumped 77 percent. Many of these people find themselves in a no-man's land—too young to retire and too old to hire. Moreover, the average duration of unemployment for the older worker has increased by 72 percent over the same period. The harsh truth is that we have developed the idea that a man and woman over 45 is no longer a good employment risk, and the Nation is paying a heavy price for failing to maximize employment opportunities for older workers.

In his March 23 message on older Americans, President Nixon recognized the problem and endorsed the fundamental concepts underlying my bill when he said:

I will soon propose to the Congress that this act (The Age Discrimination in Employment Act) be broadened to include what is perhaps the fastest growing area of employment in our economy—the State and local governments.

The President also indicated that he would send a directive on age discrimination to the heads of all Federal departments and agencies. Unfortunately, such directives have not done the job in the past; Federal employees should be specifically included in the law.

Mr. President, I am submitting my bill S. 3318, with amendments as an amendment to S. 1861, the Fair Labor Standards Amendment of 1972. Both measures are concerned with the legal rights and the well-being of millions of American workers. Both should receive overwhelming bipartisan support.

I am pleased to have as my cosponsors the Senator from New Jersey (Mr. WILLIAMS), chairman of the Senate Labor and Public Welfare Committee, the Senator from Missouri (Mr. EAGLETON), chairman of the Senate Subcommittee on Aging, and the Senator from New York (Mr. JAVITS), the ranking minority member of the Senate Labor and Public Welfare Committee.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 1177

At the appropriate place in the bill insert the following new section:

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. —. (a) (1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States."

(2) Section 11(c) of such Act is amended by striking out "or any agency of a State or political subdivision of a State,".

(b) (1) The Age Discrimination in Employment Act of 1967 is amended by redesignating section 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination Act in Employment of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accountng Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination field by him thereunder. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within 30 days of receipt of notice of final action taken by a department, agency or unit referred to in subsection (a) of this section, or by the Civil Service Commission upon an appeal from a decision or order of such department, agency or unit on a complaint of discrimination brought pursuant to subsection (a) of this section, or Executive Order 11141 or any succeeding Executive orders, or after 180 days from the filing of the initial charge with the department, agency or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action in any court of competent jurisdiction against the head of the department, agency, or unit, as appropriate, for such legal or equitable relief as will effectuate the purpose of this section.

"(d) Nothing contained in this section shall relieve any government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law."

Redesignate section 12 as section 13.

VOTER REGISTRATION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1178

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

EQUAL ENFORCEMENT OF THE VOTING RIGHTS ACT

Mr. GAMBRELL. Mr. President, I am introducing today an amendment to the voter registration bill which would amend section 5 of the Voting Rights Act of 1965 to provide for equal application nationwide. If an effort is made to revive a voter registration bill this year, it should embody my amendment.

Under section 5 of the Voting Rights Act, seven States must either submit any new or proposed changes in voting qualifications or procedures to the Attorney General for prior approval or seek a declaratory judgment from the District Court of the District of Columbia that the proposed change would not have the effect of denying the right to vote because of race. My amendment would eliminate that discriminatory requirement of prior approval, and would authorize the Attorney General to seek to enjoin the enforcement of any change in voting law or procedure in any State of the Nation through an action in the U.S. district court of the jurisdiction involved.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 1178

SEC.—Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c is amended to read as follows:

"SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting which has the purpose or effect of denying or abridging the right to vote on account of race or color, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a

restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate.

"(b) An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court."

FOREIGN RELATIONS AUTHORIZATIONS ACT—AMENDMENT

AMENDMENT NO. 1179

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 820 AND 825

At the request of Mr. RIBICOFF, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of amendment No. 820 and amendment No. 825, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 895

At the request of Mr. PEARSON, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendment No. 895, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENTS NOS. 1030 THROUGH 1040

At the request of Mr. TUNNEY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of amendments Nos. 1030 through 1040, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

ANNOUNCEMENT OF OPEN HEARINGS BEFORE SUBCOMMITTEE ON MINERALS, MATERIALS, AND FUELS ON S. 2556

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that there be printed in the RECORD an announcement with respect to open hearings scheduled on S. 2556 before the Subcommittee on Minerals, Materials, and Fuels.

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

STATEMENT BY SENATOR JACKSON

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Minerals, Materials, and Fuels at 10 a.m. on Friday, May 12, in room 3110, New Senate Office Building, on the following bill: S. 2556, to establish a municipal mine demonstration plant.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished chairman of the Committee on the Judiciary (Mr. EASTLAND) I ask unanimous consent to have printed in the RECORD a statement concerning certain nominations, including a notice as to hearings thereon.

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

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

The following nominations have been referred to and are now pending before the Committee on the Judiciary:

John T. Elfvin, of New York, to be U.S. Attorney, Western District of New York, for the term of 4 years, vice H. Kenneth Schroeder, Jr., resigned.

Douglas M. Gonzales, of Louisiana, to be U.S. Attorney, Middle District of Louisiana, for the term of 4 years, vice the new position created by Public Law 92-208, approved December 18, 1971.

Everett R. Langford, of Oregon, to be U.S. Marshal, District of Oregon, for the term of 4 years, vice Farley E. Morgan, deceased.

William C. Smitherman, of Arizona, to be U.S. Attorney, District of Arizona, for the term of 4 years, Vice Richard K. Burke, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, May 11, 1972, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF CONTINUATION OF HEARINGS ON THE PROPERTY TAX

Mr. JORDAN of Idaho. Mr. President, at the request of the Senator from Florida (Mr. GURNEY), I ask unanimous consent that a statement relating to the continuation of hearings on the property tax be printed in the RECORD.

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

STATEMENT BY SENATOR GURNEY

On behalf of the Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Intergovernmental Relations, Committee on Government Operations, I wish to announce that on May 9 the subcommittee will continue hearings on the property tax system.

The hearings will be held in room 3302 of the New Senate Office Building, at 10 a.m.

Anyone wishing to file a statement with respect to the property tax should contact the chief clerk of the subcommittee, Mrs. Lucinda T. Dennis, at 225-4718.

ANNOUNCEMENT OF OPEN HEARINGS BEFORE SUBCOMMITTEE ON MINERALS, MATERIALS, AND FUELS ON S. 2801

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD an announcement with respect to open hearings scheduled on S. 2801 before the Subcommittee on Minerals, Materials, and Fuels.

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

STATEMENT BY SENATOR JACKSON

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Minerals, Materials and Fuels at 10 a.m. on Friday, June 2, in room 3110, New Senate Office Building on the following bill: S. 2801, a bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor.

ADDITIONAL STATEMENTS

SURGEON GENERAL'S REPORT ON SMOKING AND HEALTH

Mr. COOK. Mr. President, since the Surgeon General's report on smoking and health was issued in 1964, the entire tobacco industry has been subjected to an unfair amount of criticism consisting of innuendoes and half-truths. Much of the public, I am afraid, believes that those associated with the tobacco industry do not care about the health of their fellow countrymen.

Although the tobacco industry does not start from the biased, preconceived premise that cigarette smoking is directly related to disease, it has spent large sums of funds in health-related research on tobacco.

In 1971, the Tobacco Institute allocated $5 million for cancer and health research. The breakdown is $2.6 million for the council for tobacco research grants, $2 million for the American Medical Association Educational and Research Foundation and $400,000 for Washington University, St. Louis—the total Washington University grant is for $2 million over a 5-year period. In my own State, the University of Kentucky is spending $2.5 million on tobacco and health research. This program is funded through an increase in the State cigarette tax which went into effect in 1970. By comparison, it should be noted that the American Cancer Society allocated a total of only $1.3 million for research in 1971.

Recently I received a summary report from the College of Agriculture at the University of Kentucky on tobacco and health research. As Dean Charles E. Barnhart has stated, the University of Kentucky "is making a maximum effort in tobacco and health research under present funding levels."

I ask unanimous consent that the letter from Dean Barnhart and the "Summary Report of Tobacco Research, University of Kentucky, College of Agriculture" be printed in the RECORD.

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

A SUMMARY REPORT: TOBACCO AND HEALTH RESEARCH IN THE COLLEGE OF AGRICULTURE

UNIVERSITY OF KENTUCKY,
Lexington, Ky., March 30, 1972.

GENTLEMEN: The College of Agriculture at the University of Kentucky has had a major research effort on tobacco for over fifty years. Historically, the program objective was to put in the hands of farmers cultural techniques, including varieties and field practices that would yield a satisfactory income and a useful crop. The objective today is the same, however, the meaning "useful crop" must be extended to include a chemical composition of the tobacco leaf that will yield a "least harmful" smoke.

When the Report on Smoking & Health was made to the Surgeon General in January 1964, our College was actively engaged in health-related research on tobacco. The research on the control of alkaloids (nicotine)

by genetic means has been underway for some 30 years. Other studies relating to the chemical composition of the leaf to quality (useful) tobacco were a part of the ongoing program.

With the announcement of the report to the Surgeon General and the indictment that cigarette smoking was a causative factor, the College immediately reviewed its research effort, assessed its competency and proposed a program. As stated above, in part, the immediate objective was to attain the knowledge necessary to produce burley tobacco that would yield smoke with a least health hazard.

Support for the program was made by funds appropriated by the Congress to the United States Department of Agriculture, Agricultural Research Service, earmarked for use at Kentucky for health-related tobacco research. The College of Agriculture has played a major role in the Tobacco & Health research and will participate with maximum efforts as long as the problem exists. At the present time, our College has 29 faculty in 4 academic departments (Appendix A) engaged in tobacco research.

The College of Agriculture faculty has written over 105 research reports for publication in scientific journals (Appendix B). Their work has been presented before academic societies throughout the United States. The value of such contributions can only be truly assessed over time. However, it must be clearly stated that the publication and presentation of scientific work in national meetings is the vehicle of scientific communication. Through such contributions, complex problems as is the relationship of cigarette smoking to human health, can be properly assessed by all scientists.

We are pleased with the progress our faculty is making in tobacco-health research. Some of the major accomplishments may be identified as follows:

1. Over 105 research publications: as stated, publication of scholarly work represents the major communication vehicle.

2. Tobacco varieties with 10-fold reduction in nicotine: This work encompassing some 30 years' effort, was recently published and the varieties released to other researchers. Nicotine levels in standard varieties can now be reduced through genetic means from 3.50% to 0.30%. Should Public Health research indicate such a need, varieties produced through research at the Kentucky Agricultural Experiment Station will be available (Drs. Collins, Legg and Mr. Litton).

3. Breeding lines (research varieties) with lower levels of phenols and sterols: These chemical constituents in tobacco leaf were identified as health-related suspect compounds during the early work. These large organic molecules are precursors of polycyclic aromatic hydrocarbons and are formed during the pyrolysis (smoking) of tobacco. Bioassay researchers in the Biomedical area have not yet identified their true causal relationship in carcinogenesis (Drs. Anderson, Sheen, Collins, and Davis).

4. Fertilizer effects on chemistry: Much effort has gone into research in this important area. The influence of nitrogen on alkaloid levels and related nitrogenous compounds has been elucidated. [The new poundage program will be extremely valuable, since the use of excess nitrogen to obtain maximum yield levels is not the primary goal of farmers under the new program]. (Dr. Sims, Dr. Bush, Mr. Atkinson and Mr. Hamilton.)

5. Physiology of Sterols, Phenols and Alkaloids: When the report to the Surgeon General was made, we identified the need for basic research in plant physiology as most critical. Through the federal support, we hired Drs. Grunwald, Sheen, Bush and Davis to carry the main effort. Work in this basic area is progressing rapidly today.

6. Effects of microorganisms in stored tobacco: Over 30,000 microbial isolates from tobacco have been made that represent more than 70 genera of fungi. The rigorous search for mycotoxins that may contribute harmful chemicals or off-taste are being investigated (Dr. Yang).

7. The Reference Cigarette: During the early days of Tobacco & Health research, investigators were using cigarettes purchased through commercial channels. Because of product variation, research information varied and no cross reference between scientists could be made. We developed (with major help from the tobacco industry) the Reference Cigarette that is controlled and standardized. The Reference Cigarette is made available to all cooperating laboratories. The Reference Cigarette allows cross checking (control) between laboratories. A major contribution. (Drs. Stokes, Burdick & Mr. Atkinson).

8. Production of Experimental Cigarettes: Research cigarettes requested by faculty can be made to precise specification by our laboratory. This capability permits extreme flexibility, since the needs of scientists for specific experiments are satisfied. Over one million cigarettes have been made. (Mr. Atkinson).

9. Condensate Production: All segments of the program are supplied condensates (smoke solids) upon request. We feel our condensate production program is a major cooperative input to the medical program by the College of Agriculture. (Mr. Atkinson).

10. Nicotine Series Cigarette: Through our efforts in alkaloid (nicotine) research, varieties with low levels have made possible the nicotine research cigarettes. (Drs. Collins, Legg and Mr. Litton).

11. Numerous research samples of tobacco leaf. Any questionable insecticide, chemical weed control, sucker control or fertility level will require leaf samples. We will make every attempt to cooperate by supplying samples. (Staff).

Our College Program is fully interrelated internally (Appendix C) and is cooperating with other segments of the Tobacco & Health Institute Program. We feel our major areas of responsibility for the tobacco-health research are as follows:

1. Plant Sciences Studies.

A. Genetic control of leaf composition:

(1) Evaluation of genetically determined chemical variability in tobacco.

(2) Determine pattern of inheritance of selected leaf components.

(3) Develop breeding lines with altered quantities of leaf components.

B. Physiology and biochemistry of leaf and product composition:

(1) Identification of biologically active components.

(2) Biosynthesis of biologically active leaf components.

(3) Physiological requirements for leaf components.

C. Growth modifiers:

(1) Chemical residues of pesticides and growth regulators.

(2) Effect of growth modifiers on leaf and product composition.

(3) Degradation production of growth modifiers.

D. Effects of senescence and post harvest biology on leaf composition.

E. Cultural and environmental effects on leaf and products composition:

(1) Effects of plants nutrition and soil fertility.

(2) Effects of physical, chemical and biological properties of soils.

(3) Effects of selected management techniques.

I feel our College is making a maximum effort in Tobacco & Health research under present funding levels. Should you want to discuss any topic further, or feel the need for personal communication, we will come to your office at your convenience.

Very truly yours,

CHARLES E. BARNHART,
Dean and Director.

APPENDIX A: FACULTY ENGAGED IN TOBACCO RESEARCH, COLLEGE OF AGRICULTURE

Agricultural Economics Department: Bradford, Garnett L., Hourigan, Wilson W., and Shuffett, D. Milton.

Agricultural Engineering Department: Abrams, C. Frank, Bunn, Joe M., Casada, James H.,* Duncan, George A., Henson, Wiley H.,* Morrison, John,* and Yoder, Elmon E.*

Agronomy Department: Atkinson, W. O., Bortner, Charles E.,* Burton, Harold R., Bush, Lowell P., Collins, Glenn B., Davis, D. Layton, Grunwald, Claus H., Hamilton, J. L.,* Kasperbauer, M. J.,* Legg, Paul D.,* Litton, Chris C.,* Lowe, R. H.,* Massie, Ira E., Sheen, S. J., Sims, J. L., and Smiley, J. H.

Plant Pathology Department: Hendrix, J. W., Pirone, Thomas P., and Yang, C. Y.

APPENDIX B: UNIVERSITY OF KENTUCKY COLLEGE OF AGRICULTURE TOBACCO-HEALTH RELATED RESEARCH PUBLICATIONS

Persistence of diphenamid in tobacco field soils. G. E. Jones, H. D. Dubey and J. F. Freeman. Weeds, Vol. 12, pp. 313–315, 1964.

Formic acid activation in plants. I. Purification, properties and distribution of formyltetrahydrofolate synthetase in plants. A. J. Hiatt. Plant Physiology, 40:184–188. 1965.

Formic acid activation in plants. II. Activation of formyltetrahydrofolate synthetase by magnesium, potassium and other univalent cations. A. J. Hiatt, Plant Physiology, 40:189–193. 1965.

Biological detection of phytochrome in callus tissue of *Nicotiana tabacum* L. M. J. Kasperbauer and A. J. Hiatt. Nature, 211:744–745. 1966.

Flowering of three types of *Nicotiana tabacum* L. under controlled environments. M. J. Kasperbauer and A. J. Hiatt. Tobacco Science, 10:107–108. 1966.

Interaction of photoperiod and temperature on flowering of Burley tobacco (*Nicotiana tabacum* L.) M. J. Kasperbauer. Tobacco Science, 10:119–120. 1966.

Photoreversible control of leaf shape and chlorophyll content in *Nicotiana tabacum* L. M. J. Kasperbauer and A. J. Hiatt. Tobacco Science. 10:29–32. 1966.

Relationship of oxalic acid to translocation and utilization of calcium in *Nicotiana tabacum* L. D. M. Brumagen and A. J. Hiatt, Plant and Soil, 24:239–249. 1966.

An automated procedure for the determination of reducing substances (polyphenols) other than sugars found in tobacco. J. R. Todd, R. A. Andersen, L. J. Wells, and G. Moegling. Technicon Symposium "Automation in Analytical Chemistry," p. 137–139. New York. 1967.

Automated Kjeldahl procedure for determining nitrogen in burley tobacco. J. R. Todd and J. H. Byars. Technicon Symposium, "Automation in Analytical Chemistry," pp. 137–144. New York. 1967.

Determination of oven moisture in tobacco. C. E. Bortner and C. L. Ogg. Journal of the Association of Official Analytical Chemists, 49:525–528. 1966.

An evaluation of hail damage on dark-fired tobacco. L. Link and A. M. Wallace. Tobacco Science, 11:159–162. 1967.

Identification of tobacco haploids by stomatal size. R. A. Flowers, G. W. Stokes and J. H. Smiley. Tobacco Science, 11:72–77. 1967.

Nitrogenous and phenolic compounds of nicotiana plants. I. Field and greenhouse grown plants. T. C. Tso, R. P. Sorokin, M. E. Engelhaupt, R. A. Andersen, C. E. Bortner, J. F. Chaplin, J. D. Miles, B. C. Nichols, L.

---

*USDA—ARS, In-House.

Shaw and O. E. Street. Tobacco Science, 11: 133–36. 1967.

Photometrically assayable phytochrome *in vivo* in callus tissue cultured from *Nicotiana tabacum*. M. J. Kasperbauer and R. A. Reinert. Physiologia Plantarum. 20:977–981. 1967.

Rapid method for determination of nitrate in plant and soil extracts. R. H. Lowe and J. L. Hamilton. Journal of Agricultural and Food Chemistry, 15:359–361. 1967.

Thermal decomposition of tobacco I. Thermogravimetric analysis. H. R. Burton and D. Burdick. Tobacco Science, 11:180–185. 1967.

Composition of cigarette smoke from high- and low-nitrate burley tobacco. J. F. Benner, J. R. Burton and D. Burdick. Tobacco, 166: 22–25. 1968.

DNA synthesis in two species of *Nicotiana* and their hybrid. G. B. Collins. Journal of Heredity, 59:13–17. 1968.

Dark-germination of reciprocal hybrid seed from light-requiring and -indifferent *Nicotiana tabacum*. M. J. Kasperbauer. Physiologia Plantarum 21:1308–1311. 1968.

Determination of anthracene and pyrene in cigarette smoke by gas chromatography. A. Zane, Tobacco Science, 12:54. 1968.

Determination of phenanthrene in cigarette smoke by gas chromatography. A. Zane. Tobacco Science, 12:77. 1968.

Effects of ammonium nitrate and the growth of burley tobacco plants on soil pH. R. B. Reneau, J. L. Ragland and W. O. Atkinson. Tobacco Science, 12:50–53. 1968.

Estimation of total tobacco plant phenols by their bonding to polyvinylpyrrolidone. R. A. Andersen and J. R. Todd. Tobacco Science, 12:107–111. 1968.

Germination of tobacco seed, inconsistency of light sensitivity. M. J. Kasperbauer. Tobacco Science, 12:20–22. 1968.

Heterochromatin in microscope nuclei of hybrids between *Nicotiana tabacum* and *N. stophora*. G. T. Webster and D. U. Gerstel. Journal of Heredity, 59:43–47. 1968.

Occurrence of blue mold on tobacco in Kentucky in 1967. J. H. Smiley, R. A. Flowers and R. A. Chapman. Plant Disease Reporter, 52:204. 1968.

Occurrence of brown spot on tobacco in Kentucky in 1966. J. H. Smiley, R. A. Flowers and Charles Y. Yang. Plant Disease Reporter, 52:71. 1968.

Optimum conditions for bonding of plant phenols to insoluble polyvinylpyrrolidone. R. A. Andersen and J. A. Sowers. Phytochemistry, 7:293–301. 1968.

Relationship of temperature to the development of calcium deficiency symptoms in *Nicotiana tabaum*. S. Y. Chang, R. H. Lowe and A. J. Hiatt. Agronomy Journal, 60:435–436. 1968.

Separation of some polynuclear aromatic hydrocarbons by gas-solid chromatography on graphitized carbon black. A. Zane. Journal of Chromatography, 38:130. 1968.

Somatic chromosomal irregularities in *Nicotiana plumbaginifolia* Viv. G. B. Collins. Crop Science, 8:91–93. 1968.

Sterol variation in flue-cured tobacco varieties, A. L. S. Cheng, James F. Chaplin and T. C. Tso. Tobacco, 166:33–34. 1968.

A survey of chemical constituents in cultivars of *Nicotiana tabacum* from different geographical areas. S. J. Sheen, J. Calvert and G. W. Stokes. Tobacco Science, 12:81–85. 1968.

Tobacco diseases in Kentucky in 1967. J. H. Smiley and R. A. Flowers. Plant Disease Reporter, 54:58. 1968.

Variation in selfed progeny of doubled haploid stocks of *Nicotiana tabacum* L. P. D. Legg and G. B. Collins. Crop Science, 60:620–621. 1968.

Analysis of free phytosterols by gas chromatography using liquid phase OV–101. C. Grunwald. Journal of Chromatography, 44:173–176. 1969.

Changes in content of sterols, alkaloids and phenols in flue-cured tobacco during conditions favoring infestation by molds. C. J. Keller, L. P. Bush and C. Grunwald. Agricultural and Food Chemistry, 17:331–334. 1969.

Cytogenetics of a burley tobacco breeding line derived from a cross with *Nicotiana longiflora* Cav. G. B. Collins and P. D. Legg. Canadian Journal of Genetics and Cytology, 11:382–388. 1969.

The distribution of polyphenols, chlorogenic acid oxidase and peroxidase in different plant parts of tobacco, *Nicotiana tabacum* L. S. J. Sheen. Phytochemistry, 8:1839–1847. 1969.

Effects of nitrogen fertilization on polyphenol content and oxidase activities in tobacco seedlings. S. J. Sheen, J. Calvert and G. R. Rebagay. Crop Science, 9(5):547–550. 1969.

Effects of storage method on content of chlorogenic acid and rutin in tobacco. C. J. Keller and M. J. Kasperbauer. Journal of Agricultural and Food Chemistry. 17:327–330. 1969.

Gas chromatographic separation of tobacco alkaloids. W. W. Weeks, D. L. Davis and L. P. Bush. Journal of Chromatography, 43:506–509. 1969.

Influence of certain cations on activity of succinyl CoA synthetase from tobacco. L. P. Bush. Plant Physiology, 44:347–350. 1969.

Inheritance of percent total alkaloads in *Nicotiana tabacum* L.—Populations derived from crosses of low alkaloid lines with burley and flue-cured varieties. Paul D. Legg, James E. Chaplin and Glenn B. Collins. Journal of Heredity, 60:213–217. 1969.

Nitrogen composition of burley tobacco. I. The influence of irrigation on the response of burley tobacco to nitrogen fertilization. W. O. Atkinson, J. L. Ragland, J. L. Sims, and B. J. Bloomfield. Tobacco Science, 13:123–126. 1969.

Photo- and thermo-control of pretransplant floral induction in burley tobacco. M. J. Kasperbauer. Agronomy Journal, 61:898–902. 1969.

Plant phenols and polyphenoloxidase in *Nicotiana tabacum* during greenhouse growth, field growth and air-curing. R. A. Andersen, R. H. Lowe, and T. H. Vaughn. Phytochemistry, 8:2139–2148. 1969.

Quantitative gas chromatographic assay for caffeic acid moieties in tobacco. R. A. Andersen and G. Moegling. Analytical Biochemistry, 27:397–408. 1969.

Quantitative variation in polyphenol content in the green and air-cured leaves of tobacco. (*Nicotiana tabacum* L.) S. J. Sheen and J. Calvert. Tobacco Science. 13:10–12. 1969.

Regional tests with contact and systemic tobacco sucker control agents. II. Burley tobacco, G. L. Steffens, D. W. Spaulding, W. O. Atkinson, C. E. Bortner, L. A. Link, B. C. Nichols, H. F. Ross, Heinz Seltmann and Luther Shaw. Tobacco Science XIII:117–120. 1969.

Registration of Kentucky 14 tobacco. C. C. Litton, G. B. Collins and P. D. Legg. Crop Science, 9:658–681. 1969. (See Plant Pathology also)

Studies on polyphenol content, activities and isozymes of polyphenol oxidase and peroxidase during air-curing in three tobacco types. S. J. Sheen and J. Calvert. Plant Physiology, 44:199–204. 1969.

Succinyl CoA synthetase of tobacco. L. P. Bush. Physiologia Plantarum, 22:1097–1104. 1969.

Temperature-yield profiles of tobacco and tobacco constituents I. Borate-treated and untreated tobacco. J. F. Benner, H. R. Burton and D. Burdick. Beitrage zur Tabak forschung. Band 6, Heft 2:74–79. 1969.

Temperature-yield profiles of tobacco and tobacco constituents II. Yields of phenol and cresols from untreated and borate-treated cellulose and lignin. J. F. Benner, H. R. Burton and D. Burdick. Beitrage zur Tabak forschung. Band 5, Heft 3. 1969.

Thermal decomposition of tobacco II. Thermogravimetric and differential thermal analyses of pigments from tobacco leaf and smoke condensate. D. Burdick and H. R. Burton. Tobacco Science. 13:16–18. 1969.

Thermal decomposition of tobacco III. A classification of chemically-treated tobacco using thermogravimetric analysis. H. R. Burton, J. F. Benner, and D. Burdick. Tobacco Science, 13:134. 1969.

Thermal decomposition of tobacco IV. Apparent correlations between thermogravimetric data and certain constituents in smoke from chemically treated tobaccos. D. Burdick, J. F. Benner and H. R. Burton. Tobacco Science, 13:138–141. 1969.

Aliphatic secondary amines and volatile nitrogenous bases of burley tobacco. L. P. Bush, J. L. Sims and W. O. Atkinson. Canadian Journal of Plant Science, 50:289–294. 1970.

Alkaloid and nitrate nitrogen concentration of two isogenic strains of burley tobacco. J. L. Sims, L. P. Bush and W. O. Atkinson. Agricultural and Food Chemistry, 18:381–384. 1970.

Analysis of indole acid derivatives by gas chromatography using liquid phase OV–101. C. Grunwald and R. G. Lockard. Journal of Chromatography. 52:491–493. 1970.

Brown pigment in tobacco leaf during air-curing. R. A. Andersen, T. H. Vaughn and R. H. Lowe. Agricultural and Food Chemistry, 18:940–942. 1970.

Changes of alkaloid composition during curing in three isogenic burley tobaccos and their F_1 hybrids. B. I. Townes and S. J. Sheen. Beitrage zur Tobakforschung. 1970.

Comparative quantities of polyphenols and oxidases in *Nicotiana* species. S. J. Sheen. Tobacco Science, 14:16–19. 1970.

Cytophotometric determination of DNA content in *Nicotiana* megachromosomes. G. B. Collins, P. D. Legg and M. K. Anderson. Canadian Journal of Genetics and Cytology, 12:769–778. 1970.

Distribution of total 3-B-hydroxysterols in burley tobaccos. D. L. Davis, P. D. Legg and G. B. Collins. Crop Science, 10:545–547, 1970.

Effect of photoperiod and end-of-day light quality on alkaloids and phenolic compounds of tobacco. T. C. Tso, M. J. Kasperbauer and T. P. Sorokin. Plant Physiology, 45:330–333. 1970.

Effects of end-of-day and far-red radiation on free sugars, organic acids, and amino acids of tobacco. M. J. Kasperbauer, T. C. Tso and T. P. Sorokin. Phytochemistry, 9:2091–2095. 1970.

Electrophoretic patterns of soluble proteins in tobacco leaf during curing. S. J. Sheen and B. I. Townes. Beitrage zur Tobakforschung. 1970.

Heterosis and combining ability in diallel crosses of burley tobacco. *Nicotiana tabacum* L. P. D. Legg, G. B. Collins and C. C. Litton. Crop Science, 10:705–707. 1970.

Influence of sublethal, foliar applications of 2,4–D on burley tobacco yield and composition. W. O. Atkinson and M. J. Kasperbauer. Agronomy Journal, 62:421–424. 1970.

On the localization and tissue differences of peroxidases in *Nicotiana tabacum* and its progenitor species. S. J. Sheen and G. R. Rebagay. Botanical Gazette. 1970.

Peroxidases in the genus *Nicotiana*. S. J. Sheen. Theoretical and Applied Genetics, 40: 18–25. 1970.

Photo- and thermo-control of flowering in tobacco (*Nicotiana tabacum* L.). M. J. Kasperbauer. Agronomy Journal, 62:825–827. 1970.

Plant phenols in flue-cured tobaccos fertilized at different rates. R. A. Andersen, J. F. Chaplin, R. E. Burrin and Z. T. Ford. Agronomy Journal, 62:415–417. 1970.

Polyphenol content, polyphenoloxidase and peroxidase activity in certain *Nicotiana* species, varieties and interspecific hybrids. S. J. Sheen. Theoretical and Applied Genetics, 40:45–49. 1970.

Quantitative analysis of free phytosterols

by gas chromatography using stationary phase OV–101. C. Grunwald. Analytical Biochemistry, 34:16–34. 1970.

Rapid electron capture determination of caffeic acid and quercetin moieties in plants. R. A. Andersen and T. H. Vaughn. Journal of Chromatography, 52:385–392. 1970.

Registration of Ky 165 tobacco. C. C. Litton, G. B. Collins, P. D. Legg and G. A. Everette. Crop Science, 10:210. 1970.

Registration of LA Burley 21 tobacco germplasm. P. D. Legg, G. B. Collins and C. C. Litton. Crop Science, 10:212. 1970.

Sterol distribution in intracellular organelles isolated from tobacco leaves. C. Grunwald. Plant Physiology, 45:663–666. 1970.

Volatile nitrogenous bases and aliphatic secondary amines of burley tobacco. L. P. Bush, J. L. Sims and W. O. Atkinson. Canadian Journal of Plant Science, 50:289–294. 1970.

Cholesterol in cigarette smoke condensate. C. Grunwald, D. L. Davis and L. P. Bush. Agricultural and Food Chemistry, 19:138–139. 1971.

The colorimetric determination of chlorogenic acid and rutin content in tobacco leaf. S. J. Sheen. Tobacco Science, 15:116–120. 1971.

Effect of free sterol, steryl ester and steryl glycoside on membrane permeability. C. Grunwald. Plant Physiology, 48:653–655. 1971.

Effect of three management systems on yield, value and chemical composition of burley tobacco. J. H. Smiley, W. O. Atkinson and A. M. Wallace. Tobacco Science, 15:88–90. 1971.

Effects of near-ultraviolet radiation and temperature on soluble phenols in *Nicotiana tabacum*. R. A. Andersen and M. J. Kasperbauer. Phytochemistry, 10:1229–1232. 1971.

Gas chromatographic determination of phenylalanine ammonia-lyase in two varieties of *Nicotiana tabacum*. T. H. Vaughn and R. A. Andersen. Biochimica et Biophysica Acta, 244:437–440. 1971.

Genetic parameters in burley populations of *Nicotiana tabacum*. L. I. Ky 10 x Burley 21. P. D. Legg and G. B. Collins. Crop Science, 11:365–367. 1971.

Genetic parameters in burley populations of *Nicotiana tabacum* L. II. Virginia B–29 x Ky 12. P. D. Legg and G. B. Collins. Tobacco Science, 15:94–96. 1971.

The influence of nitrogen fertilization, plant population and irrigation on yield and value of burley tobacco and returns above added costs. W. O. Atkinson, G. B. Byers and J. E. Fuqua. Tobacco Science, 15:7–10. 1971.

The influence of nitrogen nutrition and suckering practice on content and distribution of mineral elements in burley tobacco. J. L. Sims and W. O. Atkinson. Agronomy Journal, 63:775–778. 1971.

Inheritance of per cent total alkaloids in *Nicotiana tabacum* L. II. Genetic effects of two loci in Burley 21 x LA Burley 21 populations. P. D. Legg and G. B. Collins. Canadian Journal of Genetics and Cytology, 13:287–291. 1971.

Inheritance of resistance to black shank in *Nicotiana tabacum* L. G. B. Collins, P. D. Legg, C. C. Litton and M. J. Kasperbauer. Canadian Journal of Genetics and Cytology, 13:422–428. 1971.

Laboratory methods for estimating plant available nitrogen in soil. J. A. Ryan, J. L. Sims and D. E. Peaslee. Agronomy Journal, 63:48–51. 1971.

Locus Homology and two species of *Nicotiana*. G. B. Collins, P. D. Legg, C. C. Litton and G. W. Stokes. Journal of Heredity, 62:288–290. 1971.

Nitrogen composition of burley tobacco. II. Influence of nitrogen fertilization, suckering practice, and harvest date on yield, value and distribution of dry matter among plant parts. W. O. Atkinson and J. L. Sims. Tobacco Science, 15:63–66. 1971.

Nitrogen composition of burley tobacco. III. Effect of nitrogen nutrition, suckering practice, and harvest date on concentration and distribution of nitrogenous constituents. J. L. Sims and W. O. Atkinson. Tobacco Science, 15:68–71. 1971.

Regional tests with contact and systemic tobacco sucker control agents. II. Fire cured tobacco. H. C. Smith, L. A. Link, G. L. Steffens and W. O. Atkinson. Tobacco Science, 15:91–93. 1971.

Registration of Ky 171 tobacco. C. C. Litton, G. B. Collins, P. D. Legg and G. A. Everette. Crop Science, 11:603–604. 1971.

Registration of L8 burley tobacco germplasm. G. B. Collins, P. D. Legg, C. C. Litton, and J. H. Smiley, Crop Science, 11:606–607. 1971.

Spectral distribution of light in a tobacco canopy and effects of end-of-day light quality on growth and development. M. J. Kasperbauer. Plant Physiology, 47:775–778. 1971.

Sterol content and distribution in two *Nicotiana* species and their spontaneous-tumoring hybrid. Amber L. S. Cheng, M. J. Kasperbauer and L. G. Rice. Phytochemistry, 10:1481–1486. 1971.

Variation in sterols, alkaloids, and polyphenols of two *Nicotiana* varieties under different nitrogen fertilization and drying process. C. Grunwald, L. P. Bush, and C. Keller. Agricultural and Food Chemistry, 19:216–221. 1971.

APPENDIX C: COLLEGE OF AGRICULTURE TOBACCO PROGRAM—HEALTH RELATED*

Kentucky's total annual tobacco production ($300 million) accounts for over 35 percent of the annual total cash farm income which is shared by approximately 240 thousand farm families. Tobacco allotments represent a large proportion of total agricultural and land values (thus tax base) in many counties. Tobacco manufacturing employs around 20 thousand people and provides approximately $100 million in annual wages. Cigarette manufacturing, alone, accounts for over 10 percent of all value added to Kentucky's total annual income. Numerous other statistics can be cited which graphically illustrate the economic stake of Kentucky in the total tobacco industry.

The extent to which smoking or other use of tobacco constitutes a health hazard is yet to be established through controlled biomedical studies. Should significant relationships be established, there remains the complex challenge of either eliminating or offsetting damaging effects of smoking by innovations in tobacco production or manufacturing technology.

Agricultural research is an indispensable part of an integrated tobacco and health program. Agricultural research has shown that composition of tobacco can be modified by genetic, cultural, or post-harvest physiology techniques. Additional knowledge of the ultimate contribution of specific leaf constitutents to suspect health-related compounds must be gained for an objective approach to the health problem. Also, essential to the total program is the manufacturing of representative products from research samples. This important role is necessary to carry the aforementioned research to completion.

Generally, the College of Agriculture tobacco program as it relates to the health problem has two major objectives. The first is to study factors affecting the chemical and physical variability of tobacco and the second is to develop practical ways to eliminate those chemical and physical factors which are health related and/or less desirable. At present several studies are under way in the College of Agriculture that are yielding information useful for the interpretation of health related aspects of tobacco. Additional studies are needed to strengthen existing programs and new proposals that respond to program deficiencies are being developed. The process of development and reevaluation will be continuous. As we proceed, we encourage constructive critique in order that college program maintain relevance and objectivity. Our desire is to examine all research opportunities in an effort to acquire the knowledge needed to yield a more useful tobacco leaf.

The major research areas of the college tobacco program and problems related to health aspects have been identified as follows:

I. *Genetic Control of Leaf Composition:* Genetic control of nicotine in tobacco has been well defined and it is reasonable to assume that other compounds also are controlled genetically. Prior to extensive investigations in this area, a survey of the tobacco genotypes is needed to provide proper starting materials. A priority list of compounds to be studied should be based on their contribution to tobacco composition and usefulness. Once the desirable genotypes have been identified, standard genetic and breeding techniques along with the best production methodology available would be imposed for varietal development.

II. *Cultural environment and plant development:* The environment under which a tobacco plant is grown and the stage of development of the plant when harvested greatly influence the chemical composition of the leaf. Investigations are needed to isolate the effects of environmental factors on suspect health related chemical constituents. According to information presently available, the most important chemical constituents are the nitrogen fractions including alkaloids, the carbohydrate fractions, the lipid fractions including sterols and the polyphenol fractions including flavonoids. Some of the critical cultural factors include physical properties of the soil, nutrition, soil water, pesticides, herbicides and plant growth modifiers.

Soils differ widely in their basic physical, chemical, biological and mineralogical properties. Growth response of tobacco to fertilizer and available soil water varies widely among soil types. Investigations are needed to identify and characterize the soil factors which influence leaf composition. The chemistry and the biological activity of the resulting smoke must be considered in these studies.

Water has a very significant influence on the growth and chemical composition of tobacco leaf. However, little information is available concerning the influence of the main effects or interaction of the physiological stage of plant development and soil moisture on chemical composition and biological activity of tobacco smoke.

Considerable research has been conducted to determine those fertilization practices that produce maximum leaf yields of tobacco. Only fragmentary data exists that indicate the influence of fertilizer on the composition and biological activity of tobacco smoke.

Nutrient element accumulation by various tobacco varieties differs markedly and nutrition, especially nitrogen, has a pronounced influence on chemical composition of leaf and the resulting smoke. Investigations are needed in the area of nitrogen metabolism, especially in the low alkaloid lines. Also, investigations are needed to characterize varietal differences with respect to uptake and metabolism of nutrient elements and the influence of physiological age of the plant in these processes.

Tobacco is attacked by various plant pathogens and insects while being grown and during processing. Most tobacco is treated with various chemicals (insecticides, fungi-

*A summary statement prepared by the College of Agriculture Tobacco Task Force.

cides, etc.) to control these pests. The pests may affect leaf composition directly, and the treatments used for their control may leave toxic chemical residues in the processed tobacco and in the smoke. Information is needed on the influence of pests and the treatments used to control them on leaf and smoke composition.

The effect of herbicides and growth modifiers on leaf composition and the biological activity of smoke must be understood. Studies should be made of the effects of interactions between stages of development and chemical application on chemical composition of the leaf and biological activity of the smoke.

III. *Post harvest physiology:* Many biological, chemical and physical changes occur in tobacco leaf during the post harvest curing period. The specific changes that occur in many compounds have not been identified. Also, it remains to be determined which of these changes are desirable or undesirable with respect to tobacco usefulness. In order to determine the influence of many of the treatments discussed in Section II, Cultural Environment, reproducible curing techniques should be used. Factors critical to the post harvest physiological processes include stage of physiological development at harvest, temperature, humidity, air flow. light and duration of cure.

IV. *The contribution of specific tobacco leaf constituents to suspect health-related compounds in tobacco smoke.* The identification of leaf constituents and the influence or control by genetic or cultural means of a leaf constituent has been the cornerstone of agricultural research. It is now essential that knowledge of the ultimate contribution of specific leaf components to suspect health-related compounds in smoke be acquired. Production of experimental tobaccos having specifically labeled leaf components so that future identification of the compound or fragment thereof in smoke or animal cells is possible, requires fundamental plant physiological techniques. Metabolic pathway and labeling studies leading to the creation of research samples containing such identifiable compounds should be initiated as soon as possible. Effective bioassay system are required to supply information to all research participants so that they can progress objectively. The utilization of such information by agricultural scientists would result in most rapid progress towards the ultimate objective, more useful tobaccos.

V. *Manufactured products:* For the results from any or all the above programs to be meaningful in the resolution of the tobacco and health problem, evaluations must be made in the health context. The chemical composition and physical properties of the leaf, and the chemical composition and biological activity of the smoke must be considered as the final evaluation in most, if not all the studies. As a means of accomplishing this and also establishing a uniform base of comparison between programs, it is suggested that a standard method of handling and evaluation representative samples from the different programs be developed. Such standard procedure is especially needed in smoke composition and biological activity evaluations. To be truly meaningful, these evaluations need to be conducted using smoke from carefully manufactured cigarettes.

In view of the necessity of having to manufacture cigarettes to examine the chemical constituents of smoke and the biological activity, preliminary studies are required to establish the required sample size. Cigarettes manufactured from experimental tobaccos often have physical differences which partially obscure the differences between the tobaccos being considered. We must immediately establish the minimum sample size which will give valid comparisons of the smoke from different tobaccos.

Studies with cigarettes made from chemically modified tobaccos also will be helpful. For example, if the role of steroids as precursors of polynuclear aromatic hydrocarbons is being considered, it would be reasonable to examine the smoke from cigarettes made from tobacco to which steroids have been added. This type of study will be an invaluable guide to the plant scientists in the assignment of research priorities. The extent of transfer of pesticides and other known toxic substances, such as aflatoxins, into cigarette smoke can also be studied in this manner.

In summary, it is recognized that numerous disciplines must have input into the total knowledge required for resolution of the health related problems of tobacco. The College of Agriculture is prepared to direct attention to the acquisition of knowledge that will lead to the development and production of most useful tobacco leaf. Additionally, socio-economic studies related to such new production practices that may evolve are necessary to fully understand and anticipate the effects of changes in the tobacco agricultural program. The College of Agriculture will continually review and amend its tobacco program to keep it oriented to the problems and maintain relevancy and objectivity.

CONTRIBUTIONS OF SPACE PROGRAM TO EVERYDAY LIFE

Mr. TOWER. Mr. President, over the past few years, I have addressed myself on numerous occasions to contributions that the space program has made toward improving everyday life in America. Hundreds have been cited in the RECORD by those of us who are interested in a continuing healthy space program. In the April 19, 1972, Dallas Times Herald, still another contribution that is daily helping to save the lives of many Americans was commented on. 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:

RADIO-TELEMETRY: NASA HEART INSTRUMENT HELPS PATIENT IN DALLAS

(By Bill Case)

Tiny radio transmitters developed for NASA to monitor the heart rate of astronauts in deep space by telemetry are saving the lives of heart attack victims recovering at Baylor University Medical Center.

Each patient in the center's new eight-bed Intermediate Coronary Care Unit in Jonsson Hospital has been given one of the little radio stations to carry in the pocket of his hospital gown or taped to his chest.

Designed for the space program, the instrument is powered by batteries. There are no wires connected to the body. Two small electronics taped to the chest pick up the heart rate and rhythm and transmit it back to a "readout" center in the heart of the ICC unit, according to Boone Powell, executive director of the medical center.

"A registered nurse constantly watches the signals, scopes, dials and digital display information which the transmitter radios back, as the patient moves about either in his room, the lavoratory or hall," Powell said.

"The central read-out receiving station is equipped with alarms, so if the heart rate becomes too slow, too fast or irregular, it immediately starts an automatic recording of the patient's electrocardiogram and alerts the nurse so he is forewarned of any difficulties and can take immediate corrective measures."

The heart monitoring radio network now in use was made possible by a gift of $30,000 from the Ola Mae and Travis E. Wallace Fund of the Dallas Community Chest Trust Fund.

The equipment was built by and purchased from the same firm that makes electronic transmitters for astronauts, Powell pointed out.

The little transmitters are used on heart patients who have recovered sufficiently to be moved from the acute Coronary Care Unit into adjacent private rooms in the new department.

The nurses assigned to the central "read-out" radio receiving station spend full time monitoring the unit. Other nursing chores are carried out by nurses assigned to give medications, maintain close personal contact with patients and perform routine duties.

"In the intermediate care unit the patient receives the same monitoring while he is showing definite signs of recovery," David Hitt, assistant administrative director pointed out. "Most are able to get up and move about a little. Also, transferring them from the acute CCU unit frees a bed for another patient who needs the very intensive care required to help him through the critical period immediately following an attack."

The heart telemetry radio system is one of the first and largest to go into regular usage in a major U.S. hospital.

Dr. John Hyland, director of the cardiology department at Baylor, said of the unit's operation:

"This is an important advance in the treatment of heart patients. We are very grateful to Mr. and Mrs. Wallace for establishing the fund from which the equipment was purchased."

THE GENOCIDE CONVENTION AND AMERICAN POW'S

Mr. PROXMIRE. Mr. President, one of the arguments raised by critics of the Genocide Convention has been that American prisoners of war, presently held captive in North Vietnam, could be accused of genocide on trumped up charges. With the recent Communist offensive, this fear has been heightened.

Unfortunately this possibility already exists. Whether or not the United States ratifies the Genocide Treaty will have little effect on the North Vietnamese. The harsh facts reveal that Hanoi refuses to recognize the Geneva Convention of 1954, and refuses to abide by the fundamental conditions for the treatment of POW's, established by the International Red Cross. If today North Vietnam were to manufacture totally false charges against captured American soldiers there is little we could do. Since Hanoi honors no international declaration for the rights of prisoners, the Communists can do as they please. Our ratification of the Genocide Treaty cannot alter this.

What ratification will accomplish is the reinstatement of the United States to its place of world leadership in the area of human rights. After 24 years of neglecting this humanitarian document it is high time that we take immediate action. Although we cannot check the irresponsibility of Hanoi, we can help preserve a larger world community built upon the foundation of peace and brotherhood.

Even as the North Vietnamese invade the South, the United States must show the courage to protect the lives of minor-

ity groups throughout the world. Therefore I urge Senators to move swiftly to ratify the treaty for the prevention and punishment of genocide.

NATIONAL GUARD TECHNICIANS RETIREMENT

Mr. JAVITS. Mr. President, I am very much pleased that the Senate passed the National Guard technicians retirement bill, S. 855, yesterday, May 3. The total of over 3,000 National Guardsmen, and their families, in the State of New York, are rejoicing. They have been faithful and justly deserve the equality this measure provides. I have always felt that the National Guard technicians deserved full retirement benefits for the period prior to their being accepted and declared civil service employees—in 1968.

Yesterday, the Senate made this promise a reality and rectified the injustice. I hope the House of Representatives will do likewise.

THE SCHOOL BUSING CRISIS

Mr. GAMBRELL. Mr. President, it has been 2 months since the Senate passed S. 659, the Higher Education bill, but the conferees have apparently not been able to resolve the differences in the House and Senate versions of that bill relating to forced school busing.

It has been 6 weeks since the President preempted "prime time" television to offer his busing moratorium proposal.

All of that official "sound and fury" about busing apparently signifies nothing. Nothing has happened. Thousands of schoolchildren were forced to board school buses this morning to be carried to schools outside their own communities. Plans for the 1972–73 school year are now being made, without the remotest idea of what forced busing, if any is to be required. Of course, those children who were forced to ride school buses today would receive no relief under the President's busing moratorium proposal anyway, even if it were moving promptly through the legislative process.

A solution to the busing crisis is going to require leadership from the White House as I stated last September. Senate leadership has publicly stated its intention to "waffle" on the issue. I have called on the President on five separate occasions during the current school year, to act decisively on the busing issue. On one of those occasions the President could have exerted his influnece and resolved the crisis, if that really was his objective. When the Senate was considering the Griffin amendment, a flat prohibition on busing, his support should have caused it to be adopted rather than permitting it to fail by one vote.

I again call on the President to "act" rather than "talk;" to put the power and prestige of his office behind an effort to end the forced busing of schoolchildren.

It is tragic that a school year is about to end which has seen normal educational processes disrupted for thousands of schoolchildren because of forced busing. It is a tragedy that our court system is forced to stagger under a load which the President and the Congress refuse to bear.

I call on the President to lead us to a solution to this problem before another school year begins, and I warn him and the Senate that the beginning of the next school year will coincide with our national elections. If the current leadership in Washington will not respond to the people, the people will elect new leaders with a determination to respond to popular will.

Most of the schoolchildren who are already being forced to ride school buses are located in the South, where desegregation has largely been accomplished.

Under these circumstances, it is a cause of deep suspicion that the President's busing moratorium proposal would not apply to busing which is already occurring in the South, but would apply to other sections of the country where segregation continues.

I expressed my dismay to the President in a telegram last Thursday. I ask unanimous consent that the telegram be printed in the RECORD.

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

Hon. RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Thousands of parents and supporters of public education throughout the country have assembled in Washington today to protest the wasteful, disruptive, discriminatory and asinine practice of school busing now provided by Federal Court and Federal agency rulings. Among these is a fine delegation from Georgia communities where busing has been required even though desegregation has been accomplished without forced busing.

HEW reported in January that school desegregation is far greater in the South than in other sections of the country:

1. While 43.9% of black students in the South are in majority white schools, only 27.8% of black students in the North and West attend majority white schools and only 30.5% attend majority white schools in Border States.

2. While only 32.2% of black students in the South are in schools of 80–100% minority student population, 57.1% of black students in the North and West and 60.9% in the Border States attend such schools.

3. While only 9.2% of black students in the South attend all-minority schools, the figure is 11.9% in the North and West, and 24.2% in the Border States.

Secretary Richardson proclaimed this to be "solid performance" by the Administration in eliminating discrimination. In spite of these statistics demonstrating how far ahead of the rest of the country the South is in desegregating its schools, of the 212 student assignment cases brought by the Justice Department which were part of its trial court caseload on 12/21/71, all but 6 cases were in the South.

Of almost 550 school systems against which HEW has initiated administrative enforcement proceedings, all but 9 such actions are against school systems in the South.

All of the more than 200 school districts in which Federal financial assistance has been terminated under Title VI of the Civil Rights Act of 1964 are in the South.

In spite of the statistics, desegregation enforcement outside the South has largely been left to actions brought by private citizens which have disclosed pupil placement discrimination in Detroit, Denver, San Francisco and other communities.

In the face of obvious discrimination in school desegregation enforcement practices, and with school desegregation so far behind in other parts of the country, why do you exclude southern school districts already required to bus school children from the application of your busing moratorium proposal?

HEW's statistics clearly establish that "dual schools" are more prevalent in the North, West and Border States than the South. HEW and the Department of Justice are turning their heads to avoid seeing segregation outside the South.

Now that you have a "solid performance" record, you have asked for a busing moratorium to block any new busing. I don't want any new busing either, but if busing is wrong, the students who need immediate relief are those forced to ride buses today. Those students are primarily in the South, the section of the country which has far outdistanced the rest of the country in school desegregation.

I have introduced a bill which I hope will be adopted as a substitute for your busing moratorium. My bill would end all forced busing until steps are taken to achieve a uniform national desegregation policy throughout the United States.

Let the rest of the country catch up with the South. Stop the use of the people of the South as guinea pigs in social experiments by intolerant and insensitive bureaucrats. Southerners will join in supporting programs of equal educational opportunity when racial desegregation is uniformly applied throughout the country.

DAVID H. GAMBRELL,
U.S. Senate.

MANDATORY OIL IMPORT PROGRAM

Mr. TOWER. Mr. President, during recent weeks, some Senators, two of whom are Democratic presidential candidates, called for the abolition or a drastic revision of the manatory oil import program. It is interesting to note that one such statement claimed that the oil import program produces an "enormous critical fuel shortage," while simultaneously calling for an immediate freeze on any development of the east coast continental shelf—development which would surely help in alleviating such "critical shortage." On April 21, 1972, in a letter to the Washington Post, Senator PROXMIRE alleged that the oil import program costs the consumer a minimum of $5 billion per year, and that it has failed to protect our national security. One of the authorities he cited was the Cabinet Task Force on Oil Import Control. This allegation of extra consumer cost occasioned by the import program was echoed in statements by the Senator from Maine (Mr. MUSKIE) and the Senator from South Dakota (Mr. MCGOVERN).

As virtually everyone knows now, we are facing an energy crisis. In the past, an abundance of energy at reasonable prices has enabled us to attain the world's highest standard of living. Without such energy, we have no hope of attaining our major national goals of inployment, improving the environment, reducing the rate of inflation, and maintaining our national security. The recent shortage of coal in Great Britain illustrates what can happen when an essential source of energy is denied a nation. It is important to note that in this country oil and gas supply approximately 75 percent of our energy needs.

We desperately need some real solutions to the energy problem and we need them now. I have proposed solutions in the form of exploration incentives and deregulation of natural gas. There may be other solutions and I hope they will be presented. It is unfortunate, however, that we are being confronted by those who traditionally do not present a very balanced picture of the cost and benefits of the oil import program. They constantly state that total consumer costs average a minimum of $5 billion per year, or an average of $100 per family, or as expressed by one Senator, an average of $200 for a family living in Massachusetts. Since they did not cite any other authority, I must assume that they are citing the figures published in the report issued by the Cabinet Task Force on Oil Import, tables A–1 and A–2.

It might be interesting for Senators to know that the accuracy of these figures is subject to grave question and, in fact, the figures were denounced last October by Prof. James W. McKie, the chief economist for the task force report. In a letter from Professor McKie to Gen. George A. Lincoln, Director, Office of Emergency Preparedness, he states:

Though the Report of the Task Force clearly stated (paragraph 205) that any critique of oil import policy has to consider *both* the costs *and* any offsetting benefits, public discussion of the policy has often concentrated on the costs without giving equal attention to the benefits. . . . The Task Force did not recommend abolition of import controls. Some critics have spoken as if all these consumer costs would be "saved" under an optimum policy. But, of course, adoption of the Task Force recommendations, even under the relatively favorable circumstances then envisioned, would have done no such thing. It would have saved consumers very little if wellhead prices of crude had fallen by 10 percent—the forecast result of the tariff recommended by the majority.

Professor McKie closed by saying that in his opinion extrapolation to the future of the simple "cost" calculations expressed in tables A–1 and A–2 of the task force report would be a misleading oversimplification of the economic impact of the oil import control program—the present quota system or its alternatives. He added that present information and our prophetic capabilities are not good enough to enable us to get anywhere close to an accurate and complete calculation of cost. In view of the foregoing, it s simply not accurate to cite the above-mentioned figure as "extra consumer costs" of the import program.

Now let us examine some of the benefits of the mandatory oil import program.

First, a great deal of natural gas is discovered in the search for oil. It is estimated that 25 percent of our natural gas production comes in association with domestic oil and gas production. This represents a saving to the consumer of approximately $1.7 billion, assuming that such gas, in the absence of domestic production, would have had to be imported at a 65 cent per million cubic feet greater than that of domestic gas.

Second, it is important to note that during the years 1959–70, the years in which the program was in existence and for which we now have the necessary data, the reserves of natural gas increased at an average annual rate of 19 trillion feet of natural gas. For oil, the comparable figure was 3.3 billion barrels. Furthermore, this has enabled us to steadily increase domestic production of both oil and gas. Unfortunately, the energy crisis which we now face is caused by the fact that this rate is now being exceeded by production. We now use more gas than we find.

In addition to the above, there are further reasons which justify the existence of an oil import program.

A large increase in imports would damage the U.S. international trade balance at a time when this Nation is working hard to improve that balance.

Second, any substantial increase in the importation of oil and gas would have to come from the Eastern Hemisphere—a less than reliable source. Since 1948, in fact, there have been at least 10 disruptions in the movement of oil from these sources. Presently, the east coast is more than 95-percent dependent on imports of residual fuel oil and is approximately 50 percent dependent on imported oil. With such oil-producing States as Texas and Louisiana producing at their maximum, the east coast could be in serious trouble in case of a long interruption of oil imports.

The price we pay for imported oil will increase also. Much of the cause for this increase can be attributed to the unified bargaining stance of the Organization of Petroleum Exporting Countries. The OPEC is composed of countries accounting for more than 90 percent of the world's exported crude oil. Formed in 1960, this organization has grown in membership, power and bargaining experience until it is now quite formidable. The Teheran agreement concluded last year calls for an immediate price increase plus future graduated increases until 1975. These increases meant an immediate increase in imported crude oil in the United States from $2 to $2.20 a barrel. The next increase effective next January 1, will bring the price to $3.10 a barrel at U.S. ports and additional increases are provided up to $3.22 a barrel by 1975. The Teheran agreement expires in 1975, but we can assume that the OPEC will be hard bargainers, particularly since our dependence upon imported oil is becoming so great. The OPEC member nations are moving to take over partial ownership in oil company assets located within their borders with the expressed ultimate aim of participation up to 51-percent ownership.

The OPEC has been quick to threaten sanctions in various forms upon purchasers who are slow to abide by OPEC edicts. We could easily see a doubling in the per barrel cost of imported oil even before 1985.

Third, heavy reliance on imported oil involves risk to national security and freedom of action in international affairs.

Finally, the import program insures the continuation of competition in the domestic petroleum industry. In the absence of oil quotas, only the large international companies could survive.

THE PAY BOARD FAILS AGAIN

Mr. PROXMIRE. Mr. President, as Congress well knows, the Joint Economic Committee has under continuing review the operations of wage and price controls of the administration. The most recent hearings, covering testimony from administration, congressional, and public witnesses, reveals a dismal picture of ineptitude, inequity, and ineffectiveness.

We heard from the president of the National Association of Manufacturers, who thinks the program is fine, except that maybe price increases will not be granted fast enough. I ask unanimous consent to have printed in the RECORD a statement which the committee received from Capt. John J. O'Donnell, president of the Air Line Pilots Association. It is another instance of documentary proof of the distrust of and delay and noncooperation by the Pay Board. Here is a case of a powerful union which is at its wit's end just trying to find out what it is supposed to do. Let me quote just one paragraph:

Even in a matter that directly concerns this Association, the Pay Board examiner's study of the Braniff-ALPA stewardess contract, little was done to keep us informed. We were not notified which contract was to be examined, nor were we told how and where the examination would take place. Although the examiner has agreed to consider letters detailing our position, this appears more an individual concession than a codified Pay Board operation. We believe a firm policy of notification and revision procedures should be established.

Just how can we expect that such an inept operation will work?

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

STATEMENT BY CAPT. JOHN J. O'DONNELL

I am Captain John P. O'Donnell, president of the Air Line Pilots Association. In that capacity I represent the professional interests of 46,000 pilots and flight attendants flying for the nation's airlines.

In the past months since the establishment of the Pay Board we at the Air Line Pilots Association have been attempting to obtain from it certain information that would assist us with our negotiations and administration. We have approached the Pay Board, and asked its assistance in a spirit of cooperaton, and been met with distrust, delays and non-cooperation. We are well aware of the severe work load the Pay Board has in accomplishing its tasks, but we also feel that much of this could be alleviated if its efforts at cooperation were increased.

For it is a fact that the Air Line Pilots Association is being repeatedly kept in the dark by the Pay Board in matters of greatest interest to our members and to the public at large. Whether inadvertently or as a matter of policy, the Pay Board has succeeded in keeping the most rudimentary wage computation guidelines hidden. On countless occasions our Association has attempted to obtain specific guidelines from the Pay Board to let our negotiators know where the board stands. Through delays, hesitation and inaction, however, the Pay Board has made it impossible for us to learn details of its decision orders or even its own computation methodology.

Let me be more specific:

We have asked the Pay Board on numerous occasions for firm, general guidelines for wage and fringe-benefit computation. We have asked for firm definitions on includable and excludable fringe benefits. Yet, in each

instance we are answered with evasion and delay, if we are answered at all.

We have asked the Pay Board for copies of its decision orders—basic documents that we need to avoid misunderstanding and confusion in the future by examining the decisions of the past. We have asked the Pay Board for specifics, such as instances where exceptions to guidelines were granted, and why they were granted. Yet the Pay Board has seemingly invoked blanket refusal to divulge anything but the most basic and unuseful information. We have been told that the release of any more information than the name of the company, percentage in pay increase and number of employees affected is prevented by fear of releasing trade secrets. We do not see how this decision of the Pay Board can fall under these provisions, and in fact believe the Freedom of Information Act requires that more specifics be given out. We are not asking for trade secrets, but simply a greater information base from which we may proceed. Rather than the blanket restrictions invoked by the Pay Board, we feel that a more enlightened policy is needed.

After months of requests from ALPA and other interested organizations, the Pay Board finally published partial guidelines for wage computation in the *Federal Register*, a process that we have been told will continue in coming weeks. Until this time, we have been forced to make our assumptions as to Pay Board guidelines from nonspecific data or incomplete summaries in Pay Board news releases. When we ask for specifics, we get delays and generalities, or we are ignored. We can only assume that the Pay Board is attempting to withhold these guidelines from us and the public.

Even in a matter that directly concerns this Association, the Pay Board examiner's study of the Braniff-ALPA stewardess contract, little was done to keep us informed. We were not notified which contract was to be examined, nor were we told how and where the examination would take place. Although the examiner has agreed to consider letters detailing our position, this appears more an individual concession than a codified Pay Board operation. We believe a firm policy of notification and revision procedures should be established.

In short, Mr. Chairman, the Air Line Pilots Association is most anxious to cooperate with the Pay Board, but we have been unable to do so to the fullest extent because of delays, inaction and a seeming reluctance by the board to have anything to do with us. We are forced into a position of guessing, surmising and trying to predict the Pay Board's actions and decisions, rather than having concrete guidelines to work from. This results in duplication of effort, wasted energy and a definite sense that something is amiss. We feel that it would be in the best interests of all concerned if the Pay Board were encouraged to seek newer roads of cooperation. We believe that the Pay Board should take the time and effort to decide, spell out and inform the interested parties and the general public of its intentions. We need to know what wage computation methods should be used, what exceptions to policy have been granted and what specific guidelines to use.

We would encourage this Committee to use its influence to hasten the advancement of this vital information.

AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE HONORS I. L. KENEN

Mr. JAVITS. Mr. President, a man of gentle mien and deep conscience, I. L. Kenen—"Si" to so many of us here in Washington—was recently honored for his 30th year in the service of the community at a dinner of the American-Israel Public Affairs Committee, AIPAC. Typical of Si Kenen's character is the fact that those speaking reflected on Si's career as a newspaperman, a pioneer Zionist, secretary of the Rescue Commission of the American Jewish Conference during World War II, consultant to the delegation of Israel to the United Nations in 1948, and now as executive vice chairman of AIPAC and editor of the Near East Report; Si Kenen, in his remarks, spoke of the tasks ahead.

The dinner was chaired by Irving Kane of Cleveland, chairman of AIPAC, and heard greetings from President Nixon conveyed in remarks by Mrs. Rita Hauser, former U.S. Representative to the U.N. Commission on Human Rights, an address by His Excellency Abba Eban, the distinguished Foreign Minister of Israel, and an eloquent response by Si Kenen.

I ask unanimous consent that the speeches be printed in the RECORD.

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

REMARKS OF MRS. RITA HAUSER, FORMER U.S. REPRESENTATIVE TO THE UN COMMISSION ON HUMAN RIGHTS

It is my pleasure to come before you again this evening on this very happy event in celebration of Si Kenen's anniversary and to bring to you, with very deep pleasure, the greetings of President Nixon. The honor is particularly mine to extend the President's deepest respect and honor to Foreign Minister Abba Eban and to convey his very warm affection for Prime Minister Golda Meir, whom he particularly asked me to refer to this evening. She is a woman of whom he is very proud and whom he holds in the highest esteem.

In talking to the President about the dinner this evening, he indicated to me that of the many accomplishments in his nearly four years in office of which he is proud, nothing stands out more in his mind than his ability to work toward a cease-fire in the Middle East, one which is holding and which has brought a measure of peace and tranquility to a troubled area of the world. He wishes you all to know of his abiding commitment to maintain that cease-fire and that peace and to do all that is necessary to continue it as long as is humanly possible.

The President asked me also to convey to you his deep understanding of the many other issues—humanitarian issues—that concern all of you as Jews and to express to you his strong sympathy, his deep emotions and his understanding of all the things that bring you here together this evening. The pleasure again is mine to convey those greetings and to tell you how much I share them and, if I may, to say that another good friend of both the President and myself who is sitting on the dais shares them with me, your own Max Fisher. Thank you very much.

ADDRESS OF HON. ABBA EBAN, FOREIGN MINISTER OF ISRAEL

This is the first time in my life that I have ever made a speech to hundreds of people at four o'clock in the morning. You owe me your indulgence just as I owe you an explanation for my presence here tonight.

The explanation is simple. I told Si Kenen some months ago that it was high time, after 30 years, for him to undergo the ordeal by eulogy which is one of the occupational hazards of public life. In order to sustain his courage, I said that I would come here if it were humanly possible. As you have just heard, it is both inhuman and impossible for me to be here tonight. But Israel does not obey the laws of possibility, and, therefore, the members of its government must be obedient to its traditions of revolt.

You have all heard what the difficulty has been. When I left Israel this morning, the anniversary flags were still aloft on public buildings and on private homes. The 24th birthday had been celebrated without respite or mercy for 24 hours and the nation was grateful to be going back to work. Whatever Israelis think worth doing they do with great intensity, and celebration is no exception to this rule.

Our citizens have every right to be exhausted today. We have elected the victor in the Bible competition. We have selected the best Israeli song for the 25th year. We shall now begin a violent public argument about whether it really is the best song. We have watched a parachute exercise at sea. All the parachutes opened and nobody, as far as we know, was left in the sea. The Israeli television went on all night. Our people has again proved its invincible power of endurance by listening to more ministerial rhetoric than any people deserves to have inflicted on it in so short a time.

I have tried to distill these impressions into some explanation of the national mood. Israel is aware of its dangers but it is more confident than before of its ability to surmount them. The mood is not exuberant. It is steady and tranquil. There is no better way of renewing the national confidence than to recall what Israel has built, accumulated, suffered, apprehended, achieved and overcome in the first quarter century of its independence. Now, it is not easy to live all this experience, to sleep only for four hours and to come to Washington.

Although Israel's responsibilities and sacrifices have been its own, there is one other nation above all others that is entitled to watch Israel's growth with a sense of intimate pride. That nation is America.

What brings me here tonight—beyond all personal fidelity—is an urgent inner need to proclaim that America and Israel have done great deeds together in these 24 years and are determined to go on doing them together in the next 24 years, and beyond.

Not that anybody needs an excuse for coming to Washington. As we in Israel read your newspapers and listen to your radio in 1972, we get the impression that the whole American people consists of those who are already in Washington and those who are doing their damndest to get here by the end of the year.

One thing is sure. Those who get here and those who do not will be hearing from the American Israel Public Affairs Committee and from its living spirit, Si Kenen, about the interests and values that bring America and Israel together in pursuit of common ends.

Si Kenen is as good an example as any of what is involved in the idea of coming to Washington.

In 1951, I suggested to him that he might come here for a few months to give advice on how to keep American leaders informed about Israeli realities and hopes. He has been here on this temporary basis for 21 years, and he is now seriously considering the idea of unpacking his suitcases.

In two decades of work, the American Israel Public Affairs Committee—and for most of that time the *Near East Report*—has been involved in the task of interpreting the motives and principles that inspire one of the most unusual partnerships in international life—the partnership has grown by accumulation and tradition year by year. The partnership between the United States and Israel has, in the last year or two, attained the highest peak of mutual confidence and understanding that it has ever known.

I remember how it all began—and those memories are linked with the saga of our guest of honor.

Israel in the early fifties had won its major battle for physical survival and international

recognition. But everything about it still seemed fragile and unresolved. It didn't have a single month of tranquillity. Death and havoc were always leaping at its throat from across the inflamed borders. Its economy was hard-pressed and its productivity was meager. The industrial and technological infrastructure could scarcely be seen at all by the naked eye. Arms in the Middle East were primitive and cheap in comparison with the immensely sophisticated and complex equipment of today, but in the relative scales of those times they were no less crucial. The acquisition of arms was a heavy burden. Nor were they easy to acquire. Israel's adversaries were violent in their hate, and Israel's friends were full of advice about how Israel might show good will by becoming a little smaller than it already was so that its neighbors might become a little larger than they already were.

Now, this small embattled community had been 650,000 in number in May 1948. At the end of 1951, at was 1,300,000. It had taken on its slender shoulders the full burden of the misery, the weakness, the grief, the shattered hopes that the war and the Jewish Holocaust had left behind. It might well have collapsed under the weight of that burden.

The plain fact was that Israel had undertaken more than it could rationally hope to carry alone. It needed a helping hand. The kind of help it needed could only be attained if the American-Israel relationship went beyond the formal links between governments so as to involve the American people through its elected representatives in a dialogue of action and understanding. The main testing ground then was Israel's hard-pressed economy. It was there that the issue would be decided, for survival or collapse.

I recall how the representatives of the American people in the administration and the Congress, in non-partisan unity, responded to the challenge. In September 1951, grants amounting to some $70 million were approved for the absorption of Israel's immigrants. Does it sound small in the terms of today? Well, it loomed very large in the dimensions of those times. It was more than the whole of Israel's annual export earnings. It was a higher proportion of Israel's total foreign currency budget than has been constituted by any external aid at any time. And beyond the immediate relief of burden there was the consoling indication of solidarity and the implicit promise, that has since been kept, of continuing responsibility for the duration and in the measure of the need.

Since then, the friendship of the United States for Israel has become one of the traditional values which the United States Congress and the administrations and the American people have sustained on a national scale. It is a partnership to which both your great historic parties have borne witness in word and deed. I remember how the two sponsors of the first Israel aid bill in the Senate were Senators Paul Douglas and the late Senator Robert Taft, who, I was told, never agreed on anything else. Israel, therefore, is a unifying sentiment in American life, just as respect for American ideals and interests unites all sane Israelis in solid devotion and realistic understanding.

This friendship has witnessed a great fluorescence in recent years—especially since 1967. Nobody in Israel has allowed the memory to fade of the special peril and solitude of those summer weeks. We were in danger and our flame was burning low. Then and thereafter, Israel's quest for peace and security was to engage us in constant counsel with the United States. Certain principles were to evolve which have stood the test of many volatile changes and which are the bedrock on which our current understanding continues to be built—first, the principle that there can be no withdrawal to the old vulnerability. There must be progress to a negotiated peace; and a negotiated peace includes negotiations on secure, recognized and, therefore, new boundaries.

It is Israel's national consensus that there is an element of territorial compromise for peace. But there is an insistence on such changes of the previous lines as are necessary for security and for the prevention of a new war. The old armistice lines never gave us a single week or day of peaceful life. We are resolved and determined never to return to them. The task of statesmanship in the Middle East, as elsewhere, is not to reproduce but to correct the situations out of which the flames of war erupted. The concept of territorial revision in the transition towards a peace is a part of the norms, the civilities and the traditions of international life.

In 1971, the world celebrated the victory of statesmanship in Europe, 26 years after the Second World War. The heritage and legacy of that war were eliminated by valid agreements which now await their ratification. The directing principle of those agreements was not to reproduce the old neuralgic points of inflammation. The peacemakers in Europe didn't come along and say, now let us put Danzig back where it was—in the Polish Corridor. And then let us push in Czechoslovakia hundreds of thousands of those who fled from it in order that by their return they should explode it from within. They said, let us build a new and rational structure of relationships in which there shall be correction of those specific neuralgic points of inflammation out of which the war erupted.

Does anybody not know what were these specific neuralgic points of eruption out of which the fighting burst forth in the Middle East so often and for so long?

It is not a territorial appetite. It is an appetite for peace which impels us to insist on precise craftsmanship in the construction of a new security and territorial structure for coexistence in the Middle East—therefore, the principle of no return without peace, and within peace to reconstruct a stable, rational territorial compromise. This is an essential principle of Israeli policy. The support by the United States of the principle of negotiation has, therefore, been of crucial importance.

The second principle is the maintenance of the balance of power. The balance of power is the only valid formula for maintaining stability in areas of tension. Wherever the equilibrium collapses, violence bursts forth. In the last two years, the doctrine of maintaining the balance of power has in the administration of American policy had spectacular and lavish effects, accompanied by the indispensable and economic aid without which the principle of preserving the balance and opening Israel's access to arms would not have had full, practical efficacy.

The third principle of American policy that comes to expression in all authoritative statements of it is that peace is primarily the sovereign responsibility of the Middle Eastern governments, that it cannot be manufactured, imported or imposed from outside. The peace settlement would be no good if it had to be imposed, but I am convinced on Israel's behalf that it cannot be imposed at all. There is, therefore, both realism and wisdom in the constant reiteration by your nation's leaders of the principle of primary responsibility on the sovereign states of the region to build their peace, and on the unfeasibility and inacceptability of the principle of an imposed solution.

No withdrawal without peace, maintenance of the balance of power, no imposition of a solution. So long as these principles remain intact, I believe that our dialogue will have an underlying harmony whatever are the other vicissitudes that affect it, for it is no secret that we are not always at one on everything.

But our two governments discuss our problems frankly and intimately. And I think that our American friends will all agree that one of Israel's policies is that we always show tolerance and understanding of the views of those who agree with us. Even where there is diversity we take our stand on the principle that if there is to be an international system of coexistence there must be separation between relations and ideas. By this I mean that it must be possible for nations of similar values to maintain their close relationship even in a situation of occasional or marginal dissent.

These, then, are some of the reflections that flooded in Israel's mind as we went for the 24th time to the celebration of our nation's birth.

What can we say of the past year as we take leave of it? It neither fulfilled our highest hopes nor confirmed our worst apprehensions. It did not fulfill our highest hope, for our highest hope was of a year of negotiation.

Let us understand what that word means. Negotiation is the reticent exchange of concrete pragmatic proposals. Negotiation is not the public exchange of polemical and rhetorical declaration. Negotiation has inherent in it the concept of compromise. To say that you will negotiate if you will get in advance 100 per cent of your total claim is to deny the spirit and the meaning of the word and of the idea.

Some weeks ago, an opportunity for such concrete negotiation appeared both for Israel and for Egypt—an opportunity that would illustrate their real desire for progress towards peace. This was the elaboration of an idea for working out a special agreement for the opening of the Suez Canal, the disengagement of forces. Israel responded and its response stands valid. I am convinced that if Egypt were to respond in parallel spirit, the total effect would be to stimulate, to accelebrate and to inspire the pursuit and progress towards a general peace.

The last year also did have some stabilizing effects. The ceasefire has held firm. The balance of power has been preserved. We discern a decline in radicalism. There is, as I have said, the opening of a negotiating opportunity and there is a new pattern of constant and intense human interchange across the open bridges and open frontiers of the Jordan. This was not our total aspiration. But in this imperfect world we should not underestimate these results.

I am glad to report that we in our region have lost our first place in the hierarchy of international tensions. In the past few years, there have been other places in which it has been much harder to contain violence. And death and famine stalk many streets and many lands. Israel, in that comparison, presents the spectacle of a nation which illustrates its capacity for growth even in conditions of neighboring siege.

What does all of this mean for the future and for the 25th year? Where does it lead? No discussion of the prospect can elude some understanding of time as one of the dimensions of international conciliation, not time by itself, passive and inert, but time in connection and in union with a constant and vigilant pursuit of peace.

Our neighbors for the past five years quite naturally and normally explored the possibility of getting what they want namely, the return of territory without peace. This is an understandable intuition, for peace imposes on them the heavy burden of revolutionary change in their ideas, their concepts, their slogans, their attitudes, and their passions. It is natural for them to exhaust all prospects of obtaining their desire without the heavy price.

If there is hope for the 25th year and beyond, it is precisely because five years is a period in which empirical experience must have its effects. Surely all the alternatives have been tried. All the options of external solutions have been exhausted. What is it that has not been tried? Special assemblies, regular assemblies, security councils, four

power meetings, Dr. Jarring's mission, two power consultations with the hope in Arab states of single power inducements or pressures. All of this has been tried. What is the total result? Not a thing has changed. Nothing has moved.

I refuse to believe that nowhere in the Arab world are there people saying to themselves that if their hope for an external imported solution has not been effected in the past five years, why should it be effected in the five years to come? And if this dream isn't realized for ten years, what assurance is there of its validity?

It may well be that the options are becoming narrow, that there are, in fact, only three options: war, the indefinite maintenance of the status quo, or the unfreezing of it by negotiation.

War would be unrewarding, so we are convinced, to any of our neighbors. The maintenance of the status quo is possible. It is complex; it is not intolerable. It is not intolerable enough to create an international dynamic to bring about a forceful change without negotiation, but it is nobody's ideal. Therefore, if they want neither war nor the indefinite maintenance of the status quo then negotiation appears as the only valid alternative.

In the final resort men give effect to the rationality that serves their central interests. What I mean to say is that Israel and the United States have much dialogue to conduct together in the future.

And, therefore, all of you, including our guest of honor, should not think that we have met here in any valedictory spirit. We have come to pay tribute to the way in which this dialogue has been conducted in the past.

The salient qualities which Si Kenen has applied to that dialogue are humility and reticence—but, together with these, a great conviction of the underlying rectitude of his cause and, above all, a devotion to humane ideals. Like all men worth knowing and speaking to, he is fundamentally a romantic. By this I mean that he understands that beyond all dry rationality there is a visionary domain in human and international life to which men eventually appeal.

There are schools of thought on international history which say that a nation's interests are what dictate its action and that, since a nation's interests are well defined, then all argument and persuasion is useless.

Now, this theory is plausible, but fundamentally it is, of course, utter nonsense because a nation's interests is not a unified, monistic or static idea. A nation can construct various models of what its interests are. Its sentiment and emotions sometimes tell it what model to prefer. It is possible in dry analysis to construct a model of American interest based on close cooperation with Israel. It is possible, I suppose, to construct a temporary model. Each of them is coherent from its own premises. It is the national values and sentiment which dictate which of those models should be preferred—a vision of American interests which includes the support of an independent Israel, or a vision that excludes it.

I hope, then, that Si Kenen will agree that, with all the obstacles and hardships, he has been a partner and an architect of a very great drama. The central issue was to bring the Jewish people back to its roots, back to its origins, back to its inheritance, back to its autonomous and independent personality, back to itself—not only back to all of those—but also forward to a new celebration of Jewish vitality and resistance.

We hope then that this Committee, under this leadership, will help to persuade both governments to maintain their steadfast counsel, as flexible and as patient as is necessary for the inevitable and ultimate logic of peace to prevail.

This then, Si, in addition to our praises, is Israel's message to you. As we look back on these years, I hope that the memories will bring you a sense of serenity and fulfillment.

I have followed you all the time, sometimes more closely than you know, in your triumphs and in your sorrows and in your invariable displays of recuperative powers. I hope that you agree that, with all the difficulties, it has been an age worth living because it has seen the Jewish people, after fearful grief, rise to a new peak of creative nobility. This revolution in our people's life is the work of many hands. It has become everyone's possession, and the memory of it will never fade.

And so, a small cross-section of your friends are assembled here and they bring you the tribute of their affection and respect. Our unanimous decision is that after this testimonial dinner you settle down for another thirty years and get down to some serious work.

All I can promise is that I will come to your next testimonial dinner if it is humanly possible.

TEXT OF I. L. KENEN'S RESPONSE

It has been reported by some people that this dinner may mark the end of my service. I want to point out to you that this is not the end of my 30th year. It is the beginning of my 30th year. I should also like to point out that my current term of office has another year to go. But ever since the night that my dear friend, Ephraim Evron, called to say that Mr. Eban might come to our dinner, I have lived a solid year in the last five weeks. Perhaps then it is my 30th year in office.

I should also say that I can think of no more felicitous way to climax or to end a career than to have the gracious commendation of a dear colleague, Abba Eban. On the other hand, I can think of no more drastic way to terminate a career than to attempt to follow Mr. Eban on a public platform. Fortunately, I have no need to debate with him on any issue. I agree with everything that he said.

I would like to say a few words about the American Jewish community, which I have attempted to serve these many years and which helped to create Israel and to sustain her.

My generation of American Jews went through a nightmare in the 1930s and 1940s when we were frustrated in our appeals for international action to open Palestine's doors in order to save Jews from Hitlerism.

I then served as Secretary of the Rescue Commission of the American Jewish Conference in 1943. I know how little we were able to do. We came out of that traumatic experience resolved to do all that we could do to rescue and rehabilitate the survivors and, above all, to establish a sovereignty which could always keep its doors open for those in flight, which could defend its borders and which could restore a shattered people to status and dignity.

We have traveled a long way in these 30 years to win American support. We need to go back in memory to measure the distance. And if I go back in memory tonight, it is not to emphasize the differences that divided America and Israel in those early years, but to suggest that we have indeed come a long way to the high point today in American-Israel friendship.

It has never been the purpose of the American Israel Public Affairs Committee to exacerbate differences between America and Israel. On the contrary, our mission has always been to unite our two countries. Nevertheless, I think it is important to go back into memory to measure the distance that we have traveled.

Thirty years ago our Government did not favor the establishment of a Jewish state, and when American Jews convened in the American Jewish Conference in New York in 1943 Washington then tried to block the adoption of the historic resolution calling for the restoration of the Jewish Commonwealth.

Nevertheless, with that resolution in hand, adopted by a tremendous vote, the American Jewish Conference and the American Zionist Council set out to win American opinion.

We carried that resolution to the national political conventions in 1944, to the U.S. Congress and to the San Francisco UN Charter Conference in 1945. In 1946, the White House came out for partition. Our UN delegation voted for it in the General Assembly in 1947. But, you will remember, that was not the last word.

There were powerful forces arrayed against us, in and out of Government—what I call the petro-diplomatic complex—a coalition of oil lobbyists and missionaries—the prospectors for oil and souls—diplomats and educators with economic, cultural and theological interests in the Arab world. They warned that we would suffer anti-Semitism if Israel were established. We still hear that threat. Just a few months ago, the ex-American diplomat who leads pro-Arab forces in Washington declared: "They have got to give up the idea of a State in Palestine, so they will not find themselves hated by the world." In 1948 they campaigned for the reversal of partition. To our dismay they persuaded our Government to withdraw its support and to propose a UN Trusteeship for Palestine—an action which was the nadir in U.S. policy toward Israel.

That deplorable reversal evoked stormy protest. Most notably, it brought forth the first major UN address by our distinguished friend, the Foreign Minister of Israel. No one who was at the United Nations on May 1, 1948 will ever forget the devastating polemic with which Mr. Eban shattered the pretense of this astonishing maneuver.

And I, too, was astonished because I shall tell you now, publicly, I shall confess to you as a reflection of my own capacity to judge men, that a few months earlier I told Mr. Sharett that I could not accept Mr. Eban as a substitute for Mr. Sharett on a radio program because I did not think that Mr. Eban was an effective speaker. I suspect that he heard what I had said and it probably irked him and he sat down and he worked and he studied, and within weeks, on May 1, he burst forth at the United Nations—a tremendous one-man army for the Jewish people. Well, that speech was the first of many Eban speeches which electrified the United Nations in the ensuing 24 years.

Now I recall that trusteeship fiasco here tonight, not merely because of the Eban speech but because it has always seemed to me, as I look back, that the trusteeship concept—the protectorate concept—is a ghost that never ceases to haunt us.

Those who opposed the Jewish state would still like to treat Israel as a UN ward—a wayward ward to be sure—never to be conceded full sovereignty, always to be supervised and circumscribed by some UN instrument. Think of the host of alphabetical agencies—UNSCOP, PCC, PPC, UNTSO, UNEF, UNMAC and UNRWA. To this day, as if it were still unfinished business, there are those at the UN who would like to retain the Palestine question—that's what they used to call it up until 1967—on the agenda. They regard the UN as an overall trustee, which may interject itself between Israel and the Arab states and which can be counted on to censure Israel and to shield the Arabs from direct negotiations with her. It is this same postulate of Great Power "overlordship" or "trusteeship" which underlies the attitude of great powers like Russia and France, who presume that it is within their competence to dictate the terms of an Arab-Israel political settlement.

I left the Israel delegation and came to

Washington on January 1, 1951 because, as Mr. Eban has recalled, Israel needed economic aid to help her resettle the huge influx of refugees who had entered the country in her first three years.

Now, the Administration at that time was reluctant to take the initiative to grant economic aid to Israel because it feared Arab reaction. As a result it was necessary to lobby with Congress, and American Jewish friends of Israel swiftly assumed that responsibility.

I began as the Washington representative of the American Zionist Council but we soon organized what is now the American Israel Public Affairs Committee because political work of this character could not be financed by tax-exempt organizations. For years we had difficulty in winning the necessary support—up until the six-day war.

Over the years, our Committee has been led by distinguished and deeply committed American Jews. Our first chairman was Louis Lipsky, a world Zionist leader who was regarded as the Parliamentarian in American Jewish life.

Rabbi Philip S. Bernstein, our present Honorary Chairman, played a major role in helping the remnants of the holocaust to survival, rehabilitation and resettlement in Israel.

And Irving Kane, our present chairman, who, as a former President of the Council of Jewish Federations and Welfare Funds and Chairman of the National Jewish Community Relations Advisory Committee, has strengthened and deepened AIPAC's roots throughout the United States. Tonight, I find that he has a new virtue. He is a fiction writer and humorist.

The opposition fought aid to Israel, warning that Arabs would retaliate against American institutions, American interests and individuals and that the Middle East would explode into World War III. That myth continues to be a constant companion down to this day. Last year, we were told again that if Israel were to get Phantom jets, the Near East would explode and, of course, as you all know, events have repudiated this thesis, which has always been used to oppose American aid to Israel.

Back in 1951, overcoming pressures and threats, we did win economic aid from Congress for Israel in that first year. And from that early experience we learned a fact of life in Washington which has necessitated our continuing effort over the years.

Nothing ever came easily for Israel in Washington. On every issue—economic aid, military credits—there had to be a campaign for support. Our Government seemed always to be immobilized by the fear that assistance to Israel would not only be resented by the Arab states but would be exploited by the Soviet Union in furtherance of its Cold War objectives.

Since that is the record, I find it bizarre indeed that our critics should make the claim that Israel has used the Cold War in order to extort U.S. aid. On the contrary, the record shows that Israel was always the victim of the Cold War—that the Soviet Union exacerbated the Arab-Israel conflict in order to pour massive aid into the Arab states, while our own Government held back, preoccupied with Arab reaction.

Recall, for example, that our Government rejected Israel's application for military aid in 1952, again in 1954, when the United States was fashioning the Baghdad Pact and sending arms to Iraq, and again in 1955, when the Russians made their deal with Egypt and the United States detoured Israel to others.

It was not until 1962 that the United States first provided Israel with sophisticated weapons. But Israel has never received grant military aid. It is only in recent years that the Administration has approved large-scale military credits for Israel. And it was only last year that Congress once again took the initiative, as it did in 1951, to include Israel in the foreign aid supporting assistance program.

But aid was only one of the many issues that we have debated in Washington. There has been a multitude of issues over the years: the debate over commitments and guarantees—the debate over the Palestinian Arab refugees, the use of water, Jordan's occupation of Jerusalem, the treatment of the Jews in Arab countries and in the Soviet Union, the Arab boycott and the Common Market, American military aid to the Arab states, the closing of the Suez Canal and the Straits of Tiran.

And over the years, as we pleaded Israel's cause here in Washington, we had to do battle with many propaganda sophistries, which were predicated on double standards of dubious morality and motivated by a guilt complex.

Israel, we were often told, owed reparations to the Arabs because the winner of a war must pay compensation to the loser. That's what the United States has always had to do. Arabs may reclaim territory, even though they gained, used and lost it in wars of aggression. We must not expect the Arabs to negotiate with Israel lest they lose face. The Israelis, apparently, have a different kind of face for they were often told to turn the other cheek and to roll with the punches. Reprisals must be condemned—never mind the provocation. Israelis don't need as many weapons as the Arabs because their skill helps to maintain the balance. We don't hear that argument much any more today but always, in the past, when I used to hear it, as if it were a reflex reaction it would evoke memories of the 35 young college students who died in the Arab ambush at Kvar Etzion early in 1948 because they had nothing but stones for ammunition.

Arab nationalism was hailed as progressive, Jewish nationalism was decried as regressive. Jewish philanthropy and support for Israel were impugned; no one, however, questioned the failure of the oil-rich Arab countries to take care of the Arab refugees who were displaced by the Arab war.

And always it was argued that we had favored Israel and that we needed a more impartial, a more even-handed policy.

Our so-called pressures here were always greatly exaggerated. The Arabs have always complained that we outnumbered and outpressured them. But bear in mind that there are 18 Arab governments and one Israel. Arab diplomats in Washington outnumber Israel's diplomatic representatives. Combined with their many pro-Arab friends and allies, they are able to overwhelm Washington, socially and diplomatically.

In addition, diplomats who are stationed abroad are required to report on the views of the governments to which they are accredited, and the volume of reports reflecting Arab views far outweighs those that reflect Israel's position.

And, of course, as we all know the Arab states do have a decisive propaganda advantage in the United Nations, and the anti-Israel resolutions adopted and processed through U.N. machinery are spread all around the world without effective challenge.

But here in Washington we have always had a strong ally in the Congress. It is to the Congress of the United States that we have submitted our cause to counter and rectify the propaganda imbalance. It is to the Congress of the United States that we owe so much appreciation.

When the six-day war ended in 1967, we appealed to our Government to remember the lessons of 1957. We made three major proposal: 1) to prevent a renewal of the war, strengthen Israel; 2) to promote peace, urge the Arabs and Israelis to negotiate directly, and 3) no withdrawals without a negotiated peace.

For their part, the Russians and Arabs were demanding Israel's total withdrawal and were attempting to impose a settlement. We appealed to the Administration for planes for Israel; we opposed any moves by the Great Powers to impose a settlement from without; we pressed for the principle that the parties to the war must be the parties to the peace, that there must be direct negotiations. I should recall that at the first Policy Conference of the American Israel Public Affairs Committee in 1960, our first plank was direct negotiations.

Our proposals were supported in impressive demonstrations on Capitol Hill where Congress reflected the opinion of the American people, and these strong demonstrations encouraged the Administration to strengthen Israel on the military and diplomatic fronts. I would never suggest that it was because Congress took this position that the Administration finally responded affirmatively to Israel's appeal. I do suggest that Congress created a climate of opinion and acceptance which made it possible for the Administration to go forward with these programs which have contributed so impressively to Israel's strength in the last few years. For it has become clear that the interests of Israel and the United States have converged in the Middle East; these countries are now allied in purpose and conviction.

Little by little, the issues which have divided the United States and Israel have been resolved by events. Support for Israel has grown over the years—not diminished—as more and more Americans have come to recognize that Israel is a significant situation of strength in the Middle East, able to defend and to advance the concepts of freedom and equality, sincerely allied with the highest interests and ideals of the American people.

The bitter experiences of the thirties, the immoral neutrality, the callous indifference, the collapse of international self-respect, the degradation of mankind—all this cruelly tested our faith in the perfectibility of man. But despite that brutal testimony, I have never abandoned the religious hope that the world can become a better place, that man is spiritually endowed and experience-equipped with the capacity to make the right decisions providing he has access to the truth. It is our task to offer the truth as best as we can. I have a profound respect for the democratic process. And because of that conviction, I have found fulfillment in a service which presupposes that man is endowed with a sense of purpose, a mind to make moral judgments and a will to carry them out.

It is no coincidence that the two democracies, Israel and America, have been drawn closer together. We were able to tell Israel's story to the American people because this is a free and open society, where people are free to speak out and to appeal to their government. In countries where the governments are sensitive to public opinion, where there are parliaments and legislatures—Israel has gained strength. Israel's cause has not prospered in closed societies. We have used the democratic process, exercising the obligation of good citizenship, to advance the cause of democracy on the international scene.

But our task is far from finished. There are still dangers ahead. On the military front, the Russians are ominously close to Israel's borders while the escapist trend toward disengagement in our own country is so sadly reminiscent of the terrible isolationism of the thirties. I came to Washington in 1933 and interviewed the isolationist Senators who fashioned the policy which made it easier for Europe's warmongers in 1939. The process of disengagement takes us further and further away from the front lines of responsibility. In addition to that, our country faces an ominous energy crisis and has not done enough to meet this issue; the

Arab states have learned to use their oil wealth to blackmail the West.

It will take a long, long time for Arabs to accept co-existence with Israelis and to rid themselves of a legacy of prejudice inherited from the Czars, the Commissars and the Fuhrers.

The story of Israel's past and the promise of Israel's future must be told and retold in every generation. The American Jewish community, which has done so much in the past, continues to bear a major responsibility to do what it can—everything that it can—to ensure Israel's survival and to win a genuine peace in the Middle East. Our tasks are far from ended.

THE GRAVEL CASE

Mr. BAYH. Mr. President, the Senate has taken an active interest in the court proceedings against the distinguished Senator from Alaska (Mr. GRAVEL). In view of the significance of his case, I invite the attention of the Senate to a noteworthy article, authored by Senator GRAVEL, and published in the New York Law Journal of March 31, 1972.

The thorough discussion of the issues involved in the Gravel case, as well as the history to date, provides very interesting reading. 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:

CONGRESSIONAL PRIVILEGE: THE CASE OF SENATOR GRAVEL

(By MIKE GRAVEL)

The issue which the Supreme Court is about to decide in the matter involving my actions in releasing the Pentagon Papers is one of congressional privilege. Specifically, it is the privilege conferred upon members of Congress in the "speech-and-debate clause" of the constitution, which provides: "For any Speech or Debate in either House, they (the members) shall not be questioned in any other place."

The speech-and-debate clause was one of the few provisions of the constitution on which nearly all who helped write it agreed. The notion that legislators should be immune from prosecution for their acts and speeches grew from the times when English kings sought to prosecute members of Parliament for acts and speeches the kings didn't like.

The clause protects the legislative branch from a vengeful Executive and a hostile Judiciary.

The purpose of that privilege is not to protect members of Congress from prosecution for their own benefit, but to support the rights of the people by enabling their representatives to execute the functions of their offices without fear of prosecution.

It insures that legislators are free to represent the interests of their constituents without fear that they later will be called to task in the courts for that representation.

Thus, the speech-and-debate clause is an important part of the doctrine of separation of powers.

The privilege was placed in the constitution for reasons of common sense. The framers knew, from their own experience, that without such safeguards, the independence of the legislators and of the legislative branch itself, would suffer.

It is the same sort of common-sense thinking which gives a lawyer privilege for his conversations with his client, a doctor with his patients, and a clergyman with his parishoner. Not to provide such privilege would be to destroy or abridge basic rights and freedoms.

When I publicly released the "Pentagon Papers" during a June 29–30 midnight meeting of the Senate Subcommittee on Buildings and Grounds, I did so because I believed the people have a right and a need to know the truth about our involvement in Southeast Asia. I am convinced that my constitutional duty required that I fully inform myself, my colleagues and the people.

After I had done so, the Executive Branch of the government, through the Internal Security Division of the Justice Department, had a federal court convene a federal grand jury in Boston, allegedly to investigate the possible violation of the following federal statutes:

1. Retention of public property or records with intent to convert (18 U.S.C. 641).

2. Gathering and transmitting national defense information (18 U.S.C. 793).

3. Concealment or removal of public records (18 U.S.C. 2071).

4. Conspiracy to commit such offense and to defraud the United States (18 U.S.C. 371).

Shortly afterward, a member of my personal staff, Dr. Leonard Rodberg, was subpoenaed to testify before the Boston grand jury. Because of my concern that the real reason behind the grand jury investigation—or one such reason—was to investigate what I had done in my official capacity as a United States Senator in securing and releasing the "Pentagon Papers," and in publishing the committee transcript, I ordered my attorneys to appear in Boston and to object to any intrusion or investigation by the Executive or Judicial branches into the legitimate legislative activities of the Senate.

Unfortunately, my fears were more than well-founded and my attorneys were forced to seek intervention to quash the subpoena served upon Dr. Rodberg. In the brief supporting the motion to intervene, my attorneys made the following points:

1. The Internal Security Division did not dispute the affidavit of Dr. Rodberg that the purpose of the inquiry was to investigate my actions as a United States Senator and the official actions of my aides.

2. The speech-and-debate clause of the constitution (Article I, section 6) prohibits a grand jury from inquiring into the official acts of a member of Congress or the official acts of his aides.

3. My actions in acquiring and releasing the "Pentagon Papers" and in publishing the committee record were taken in the course of my duties as a United States Senator and, therefore, are totally immune from Executive or Judicial inquiry.

In its response, the Internal Security Division took a number of unusual positions. First, they argued that a grand jury proceeding was a criminal, not a civil, proceeding and therefore, no right of intervention existed. Next, the government argued that no suit existed in which to intervene even if the Federal Rules of Civil Procedure did apply. Third, the government responded that a party other than the one under subpoena had no standing to complain of any injury. Fourth, the government said that I should be content to rely upon Dr. Rodberg to assert and protect my constitutional rights.

After the intervention question was briefed and argued, Judge W. Arthur Garrity granted my motion on the grounds that whatever constitutional privilege I might have must be asserted by me and that Dr. Rodberg's testimony could violate my privilege unless I were permitted to object.

Surely, that decision is correct; otherwise, every member of Congress would be at the mercy of his aides to assert or not the privilege of the member.

Once a party to the case, I instructed my attorneys to file a motion for specification prohibiting the grand jury from asking Dr. Rodberg any question covered by the speech-and-debate clause. Alternatively, my attorneys filed a motion to quash Dr. Roberg's subpoena. In the brif filed in support of these motions, we reminded Judge Garrity that every decided case has held that a member of Congress is immune from questioning for all official acts and that the speech-and-debate clause must also protect my aides. Otherwise, the clause is a sham and would offer no real protection.

We also pointed out that the Supreme Court in *Barr* v. *Matteo* (360 U.S. 564, 1959) and *Howard* v. *Lyons* (360 U.S. 563, 1959), created a common law immunity that permitted low ranking members of the Executive Branch to publish material important to the public, just as I had done, with full immunity. If functions of the Executive are so protected without explicit constitutional authority, why then, is not a member of Congress, who has a direct constitutional responsibility to inform himself, his colleagues and his constituents?

We also reminded the court of the striking parallels between this case and the famous English case of Sir John Elliot, which gave birth to the English Bill of Rights, a forerunner of our own speech-and-debate clause. When Charles I was at first criticized and eventually denied funding from Parliament to continue fighting a needless war overseas, he struck back at his critics by prosecuting Sir John Elliot and others for "seditious" speeches in Parliament (3 How. St. Tr. 294, 332). The result was the greatest constitutional crisis in English history, until in 1668, "after a long and bitter struggle Parliament finally laid to rest the ghost of Charles I."

We also pointed out that the grand jury investigation would jeopardize the doctrine of separation of powers in three ways. First, it would seriously inhibit legislators and their aides in the vigorous performance of their duties; second, it violates the right of the Congress to free speech; and third, it constitutes an illegitimate intrusion by the Executive into the Senate's prerogatives in foreign affairs.

What I am involved with is a direct and classic confrontation between supposedly co-equal branches of the federal government. That is precisely the situation covered by the speech-and-debate clause and it is the kind of situation that gave birth to the clause.

The Internal Security Division responded to my brief by taking a series of extreme positions. First, they asserted that somehow Dr. Rodberg was not my employee; second, that the clause does not apply to anyone other than a member of Congress; third, that no immunity exists for a member to resist a grand jury subpoena; fourth, that to quash the subpoena would violate the doctrine of separation of powers by interfering in Executive proceedings; fifth, the Internal Security Division claimed that a court could determine whether a Senate committee meeting was timely, authorized or germane; and sixth, that the publication of the subcommittee record was not covered by whatever protection might exist under the speech-and-debate clause.

On Oct. 4, 1971, Judge Garrity issued his ruling. He found that the purpose of the subpoena to Dr. Rodberg was to question him about my actions in acquiring and releasing the "Pentagon Papers" and in publishing the subcommittee record.

Judge Garrity also held that:

1. A federal court could not go behind the assertion of a member that a particular person is an employee;

2. The speech-and-debate clause privilege against inquiry applied to grand jury proceedings;

3. The clause covers personal aides as well as members;

4. The clause does not cover my part in publishing the committee record but it does cover all legislative acts and antecedent conduct intimately related to legislative acts,

including preparation for and holding committee hearings;

5. No one may be questioned in a federal court about my activity that is protected by the speech-and-debate clause;

6. A federal court cannot inquire into the timeliness, validity or germaneness of a committee meeting.

My attorneys asked Judge Garrity to reconsider that portion of his ruling holding that my part in the publication of the committee transcript was not protected by the speech-and-debate clause. In support of my motion for reconsideration, we asserted that the role my aides and I took in the publication and distribution of the official public record of my subcommittee was protected legislative conduct under the speech-and-debate clause.

First, we showed that such publication is part of my informing function, which, in turn, is part of my responsibility under the clause. We also showed that similar publication is generally done by the members with respect to the business before Congress and is related to the due functioning of the legislative process.

It should go without saying that the publication of speeches, committee reports or transcripts is necessary for a member of Congress to inform and carry on a dialogue with his constituents. Few people have access to the *Congressional Record*, and fewer still to the original transcripts of committee hearings. Nor can the press be depended upon solely to report the views of congressmen to their constituents. The press gives at best a summary, perhaps overlaid with editorial comment. There is no substitute for the dissemination of the original.

While Judge Garrity was considering our motion and briefs, the Justice Department issued new subpoenas to Dr. Rodberg and to Howard Webber, editor of the *M. I T. Press* for the purpose of inquiring into matters either barred by the court's order or under active reconsideration.

When we brought these matters to Judge Garrity's attention, he issued another stay of the challenged subpoenas. Although he later denied my motion for reconsideration, he continued the stay for ten days because of the obvious importance of the issues and the substantial arguments in favor of my position.

I instructed my attorneys to seek an emergency hearing in the U.S. Court of Appeals for a further stay pending appeal. On Oct. 29, 1971, the same day my attorneys sought and obtained the emergency hearing, the U.S. Court of Appeals for the First Circuit issued a stay barring all grand jury inquiry into the "Pentagon Papers" in whatever form until the court could hear and decide the case. The Court of Appeals ordered an expedited schedule for the filing of briefs and arguments.

In our brief we urged the appellate court to hold that my activities and the activities of my personal aides in releasing the subcommittee transcript for publication were protected legislative activities that could not be investigated by a federal grand jury. In essence, our position was that the Executive could not use the compulsory process of a grand jury to question anyone about my activities that are covered by the speech-and-debate clause, and that the informing function of a member of Congress is part of his duties under that clause.

For its part, the government argued that the speech-and-debate clause does not apply to grand jury proceedings. In the view of the Internal Security Division, the remedy for a member is to seek to quash any indictment that a grand jury might report.

While this case was before the First Circuit, the Internal Security Division again attempted to enforce subpoenas to secure information prohibited by the court's stay. In this case a subpoena was served upon the Boston bank of *Beacon Press* and the Unitarian Universalist Association seeking copies of all checks relating to the "Pentagon Papers" or myself. Again my attorneys objected and after an unusual evidentiary hearing in the Court of Appeals the subpoenas were withdrawn and a further protective order was issued banning the use of subpoenas to secure evidence until the case was decided.

On Jan. 8, 1972, the Court of Appeals issued its decision in which it held that whatever I did in arranging for the subcommittee meeting and conducting the meeting were protected.

The court also held that I could not be questioned about my sources of information. As for Dr. Rodberg, the court held that he could not be questioned about anything I could not be questioned about. Although rejecting my position that the publication of the subcommittee transcript was protected from inquiry by the speech-and-debate clause, the court held that Dr. Rodberg and I may have a common law immunity, which for purposes of this case, prohibited any questioning of us. However, the court held that anyone else who dealt, with me or my aides could be questioned about how I obtained the "Pentagon Papers" (or any other information) and my dealings with others to arrange for the publication of the subcommittee transcript unless the questioning related to my motives in holding the subcommittee meeting.

Thus, although the court protected my aides and me, it left open those who had dealt directly with me. Under this formula the Internal Security Division could achieve indirectly the precise results that the clause directly prohibits.

Put another way, the court held that the speech-and-debate clause protected me from grand jury questioning about my official legislative activities, but did not protect the activity itself from being a subject for inquiry.

It is worth noting that at least since *Watson v. Walter* (L. R. 4 Q. B. 73, 1868), the settled law in England is that the parliamentary privilege protects a member who publishes a speech in Parliament for the information of his constituents and that the privilege applies derivatively to the publisher because, as the court said in the Walters case, "such publication . . . is essential to the working of our parliamentary system, and to the welfare of the nation." There is no reason in history or policy why the privileges of elected representatives in the United States should not be equal to those held by their counterparts in England.

Because of this fundamental disagreement with the decision of the Court of Appeals, I ordered my attorneys to seek a stay from the Supreme Court. The appropriate papers were filed with Mr. Justice Brennan and he issued the stay. He also ordered that my attorneys submit a petition for writ of certiorari by Feb. 10, 1972, if he wished the stay to continue.

My attorneys filed a petition raising the following question for review:

1. Does the constitutional responsibility of a United States Senator to inform his constituents and colleagues about the workings of government require that his actions in publishing an official, public record of the subcommittee of which he is chairman, containing documentary information critical of executive conduct in foreign affairs, be accorded protection as legislative activity under the speech or debate clause?

2. May a federal grand jury at the request of the executive branch inquire into and investigate the legislative activities of a senator by utilizing compulsory process to interrogate persons with whom a senator dealt and to secure documents, about his planning and executing a Senate subcommittee hearing and publishing the official record of that hearing?

3. May an otherwise impermissible inquiry be allowed because the legislative activity in question was carried out in a manner deemed by a federal court to be irregular and contrary to the court's notions of germaneness and of the proper way for the Senate to internally allocate its functions?

The solicitor general also filed a petition for a writ of certiorari seeking Supreme Court review of the following question:

1. Whether article 1, section 6, of the constitution providing that ". . . for any Speech or Debate in either House," "the Senators and Representatives . . . shall not be questioned in any other Place" bars a grand jury from questioning aides of members of Congress and other persons about matters that may touch on activities of a member of Congress which are protected "Speech or Debate."

2. Whether an aide of a member of Congress has a common law privilege not to testify before a grand jury concerning private republication of material which his senator-employer had introduced into the record of a Senate subcommittee.

It is clear to me from the solicitor general's brief that he feels the speech-and-debate clause should be read narrowly to the point that it only covers members of Congress engaged in "mainline" legislative activities such as voting and speaking.

On Feb. 22, 1972, the Supreme Court granted writs of certiorari in both cases. Within the next three months we may have answers to the perplexing issues raised in my case.

REPORTING OF THE USIA

Mr. THURMOND. Mr. President, there has been much discussion about the activities of the USIA and its role in our Government and in promoting our foreign policy. There is much confusion about the activities of the USIA and its real function.

Part of this confusion I believe stems from the consistent misrepresentation of the agency by certain elements of the press. There has been a consistent campaign to distort the effectiveness of its work in the minds of the people of the United States.

A good example of this misrepresentation can be found in a recent series of communications between the group known as Accuracy in Media—AIM—and the editor and publisher of the Washington Post. AIM is a nonpartisan, public interest group which strives to maintain high standards of journalism by pointing out examples of nonobjective reporting. Unlike many political groups AIM has no ax to grind and represents no pressure group. Its sole purpose is to remind journalists of the high standards of their profession by analyzing the case histories of certain problems.

One of AIM's most recent case histories has to do with an article in the Washington Post which completely distorted the mission of the USIA and questioned its effectiveness. The Post article was not based on a factual presentation or even upon the reporting of expert testimony on USIA's role, but quoted extensively from unnamed sources which apparently reflected the bias of the writer of the article rather than any objective analysis of the situation.

What is shocking, however, is that when the bias of the article was carefully pointed out and exposed, the Washington Post refused even to consider the

criticisms and judgments and completely ignored its own errors of fact. Mr. President, I have three letters which comprise the correspondence: Two from Mr. Abraham Kalish, the head of AIM, and the reply which was made more than 3 months after the letter was written. Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

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

JANUARY 11, 1972.

Mrs. KATHARINE GRAHAM,
Publisher, the Washington Post,
Washington, D.C.

DEAR MRS. GRAHAM: AIM has examined with some care an article entitled "Tarnished USIA," which was published on the front page of the Washington Post on January 2, 1972. In view of the fact that you personally have made it clear that you believe in accurate and objective news reporting, we wish to call your attention to the way in which this article by Stanley Karnow deviates from the standards that you have established for news stories in The Washington Post.

We find that about 25 per cent of the article is devoted to the expression of opinion, but the article is presented as news, not as an interpretive report. Mr. Karnow may say that the opinions he reported are not his own, but those of various people with whom he talked. This is *superficially* true. Very few of those individuals whose opinions are cited by Mr. Karnow are identified. Thus it is not possible for anyone to check to see whether or not those people have been accurately quoted. What is striking about this group of unidentified sources is that there is no effort to show that more than one opinion on the same subject may exist. It seems most unlikely that in a large organization such as USIA there should be only one opinion on any subject. It must be possible to find officers who would take a different position from those reported on by Mr. Karnow. But apart from a few top officials, the views of these individuals are ignored.

What Mr. Karnow has clearly done is to select the views of anonymous informants that harmonized with the view he wanted to present to his readers. Thus we find statements such as this:

Many agency officials see most of Herschensohn's output as evidence that the USIA is in the propaganda rather than information business.

Many USIA officials are deeply disturbed by Shakespeare's anti-Communist militancy.

Many USIA officials of all ages are also troubled by Shakespeare's refusal to permit the agency to show the seamier side of American life.

Many USIA officials in Washington are persuaded that the agency needs a serious overhaul.

It is not clear what Mr. Karnow means by "many," but since he could not have interviewed more than a tiny fraction of the 10,000 employees of USIA, it seems probable that he could have found an equal number of USIA officials who might have expressed contrary views. Mr. Karnow chose to discuss the "many" who held the negative views he described. He ignored the "many" who take a more favorable view of USIA.

By this one-sided selection, Mr. Karnow has, we may conclude, presented his own opinions in the guise of reporting what other people believe. A recent book which discusses bias in news reporting states:

"When a political news service is free to select only the opinion it chooses, it might very well, and usually does, put predominantly the opinion of which it approves into its stories." (Edith Efron, "The News Twisters," p. 25)

It is clear, it is not, that Mr. Karnow had the choice of including in his story opinion of USIA favorable to the agency and its director, opinion unfavorable to the agency and its director, or both? We note that at least 75 per cent of the space devoted to describing opinions in the Karnow article deals with opinions that are negative and critical. Moreover, with respect to specific issues, the opinions are almost invariably all one sided. For example, nearly two inches are devoted to favorable opinion of Shakespeare's personnel policies, with no negative views described. On nearly everything else, only negative views are expressed, with no favorable opinions cited.

Let me give you a very specific example of Mr. Karnow's selectivity. He devotes two inches to a description of a single negative reaction of a USIA film on the Fourth of July. We have looked into this and have found that there have also been some very favorable reactions to the film in question. Mr. Karnow would have created an entirely different impression had he chosen to quote the following favorable opinion from the U.K.:

"The razzle-dazzle treatment was entertaining and pleasing and therefore of great interest to TV and theatrical distributors. London Independent TV station transmitted film on afternoon of July 5. After the 15-minute program the host-announcer commented: 'wasn't that a good program?' Post is of the opinion that film was an excellent one."

The film in question bombed in Sierra Leone but it was liked in London. Mr. Karnow chose to tell only the Sierra Leone reaction and ignores the reaction of the larger and more important post. By what standard is that accurate reporting?

We do not question the right of the editors of the Washington Post to publish editorials and interpretive reports in which they express their dislike of Mr. Shakespeare and his policies. However, we do believe that the readers of the Post are entitled to have these opinions properly labeled. We do not believe that the editors measure up to your high standards of objectivity and fairness when they employ the techniques used in the Karnow article to put across editorial opinions disguised as news.

Permit me also to point out a few specific inaccuracies in Mr. Karnow's story.

1. Mr. Karnow states: "Yet all its activities apparently have failed to give the USIA real influence in the formulation and conduct of American policy." *Comment:* It is the assigned function of USIA to inform and communicate, not to formulate and conduct American policy.

2. Mr. Karnow says that the USIA has been excluded from a seat on the National Security Council and that "this was not the case in previous administrations."

Comment: According to John W. Henderson, author of the book, "The United States Information Agency," it was not until 1955 that the director of USIA was invited to attend meetings of the NSC, where he sat in the second row, not at the table, and participated in the discussion only when called upon.

3. Mr. Karnow says that in the fall of 1970, Shakespeare "instructed the Voice of America to assail Soviet 'deception' for placing missiles along the Suez while denying that this was being done."

Comment: This is a strange comment for a paper that has published top secret and secret-sensitive American documents because it believed that the public had a right to know facts which high public officials wished to conceal for diplomatic or security reasons. The Post has, of course, assailed both the U.S. and Soviet Governments for "deception." Are we to interpret Mr. Karnow's statement to mean that the Voice of America should have been a party to concealing Soviet deception with respect to the missile emplacements along the Suez? Assuming that it is correct that Mr. Rogers criticized the Voice for broadcasing the truth about the emplacements, who was true to the Post's high standards of giving the people the facts and let the chips fall where they may, Mr. Rogers or Mr. Shakespeare?

4. "Vietnam! Vietnam!" . . . tries to justify the U.S. commitment to Vietnam while subtly implying that Presidents Kennedy and Johnson and the Democratic Party were responsible for the involvement in the war."

Comment: Are we supposed to infer from this that Presidents Kennedy and Johnson were *not* responsible for the involvement in the war? USIA informs us that there was no subtle implication at all. It quite frankly showed Presidents Kennedy and Johnson making public commitments to the people of Vietnam to support them in efforts to remain free from Communist control.

5. Mr. Karnow says that Mr. Shakespeare is said to be "hooked on the idea that all refugees in the world are victims of communism."

Comment: Is there any evidence that Mr. Karnow checked this allegation out with Mr. Shakespeare? His spokesmen say that it is simply false.

6. Mr. Karnow speaks of "Shakespeare's refusal to permit the agency to show the seamier side of American life."

Comment: This is refuted in the very next paragraph which states that the VOA covers the news, including the seamier side, with "professional competence."

7. Mr. Karnow states that Shakespeare "lectured" Willy Brandt and other West German officials on the dangers of their trying to improve relations with the communists.

Comment: USIA informs us that Mr. Shakespeare did on one occasion have a frank discussion with West German officials about American reaction to Ostpolitik, but Willy Brandt was not present at that meeting. They deny that Mr. Shakespeare ever lectured Mr. Brandt about anything.

8. Mr. Karnow says that USIA went into Germany and Japan immediately after World War II.

Comment: A little difficult, since USIA was not created until 1953.

9. Mr. Karnow quotes with apparent approval the opinion of a USIA official who believes that it is a mistake to assume that foreign minds can be manipulated, "that we can really influence foreign opinion."

Comment: A few paragraphs later, without recognizing any contradiction of the above statement, Mr. Karnow writes: "In West Germany, according to Washington Post Correspondent John Goshko, 'you cannot find a responsible official, journalist or academician who does not credit the agency with assisting the country to become a democratic state." One can only wonder about the accuracy of Mr. Karnow's quotation of the USIA official; is it possible that the agency really has on its payroll an official who is as naive as this statement would suggest? Surely Mr. Karnow, an experienced journalist, is aware of what has been done in this area.

We are sorry to trouble you personally with such a long letter. However, as you know AIM has never received a very sympathetic hearing from the editors of *The Post*. We know from our contacts with you that you will read what we have to say, and we believe that you will recognize the validity of the above criticisms. If you are so disposed, we gladly give you permission to print this letter in full as a corrective to the inaccuracies and distortion in Mr. Karnow's article.

Sincerely yours,

ABRAHAM H. KALISH,
Executive Secretary.

THE WASHINGTON POST,
Washington, D.C., April 11, 1972.

Mr. ABRAHAM H. KALISH,
Accuracy In Media, Inc.,
Washington, D.C.

DEAR MR. KALISH: I have your April 10 letter to Mrs. Graham.

As usual, your complaint is concerned with disputing the judgment of our reporters and editors and a demand that we substitute that of your patrons. I can understand your desire to do this. All advocates of a particular point of view desire this. But, of course, we depend on the professional judgment of our reporters and editors rather than the wishes of parties to a political or ideological dispute.

Where there are errors of fact we are concerned. I do not see any of substance that warrants the massive approach you make. As a matter of fact, some of your statements seem to ignore certain rather clear facts. Your first complaint referring to Mr. Herchensohn, for example, seems to ignore the discharge of the gentleman and the reason given for it. On Page 2 you quote what appears to be an official cable with official cablese ("Post is of the opinion that film was an excellent one"), again, wishing to substitute your special sources for Mr. Karnow's who has been dealing with this for 20 years both here and abroad.

As you know, Mr. Kalish, the Post is always open to honest criticism. You have taken very large amounts of our time pursuing publicity for your patrons' point of view without dealing with significant errors. We remain open to valid criticism.

Sincerely,

BEN H. BAGDIKIAN.

ACCURACY IN MEDIA, INC.,
Washington, D.C., April 16, 1972.

MRS. KATHARINE GRAHAM,
Publisher, the Washington Post, Washington, D.C.

DEAR MRS. GRAHAM: We have received a letter from Mr. Ben Bagdikian dated April 11, 1972 which purports to be a reply to our letter to you of January 11, 1972 on the Karnow article on the USIA, published on January 2 in the Post.

The AIM letter of January 11 raised serious questions about the techniques used by Mr. Karnow to present a one-sided view of USIA through the use of selective quotes from unidentified sources. We noted the frequency with which Mr. Karnow cited anonymous spokesmen, a policy which the Post is on record as condemning. We also cited the emphasis he placed on a single critical appraisal of a USIA film, overlooking favorable appraisals of the same film. We questioned whether this technique of one-sided selectivity measured up to the journalistic standards that should be expected of the most important newspaper in the Nation's capital.

We find no effort in Mr. Bagdikian's letter to discuss this very important question. He dismisses our carefully documented criticism with statement that we are simply disputing the judgment of the Post reporter and editors and demanding that the Post "substitute that of (our) patrons." We made no such "demand." In the first place, AIM has no patrons. We are not a commercial organization that sells services. We are a public interest organization dedicated to the rather difficult task of improving standards of accuracy in journalism. We did not demand that anyone's judgment be substituted for that of your editors. We merely pointed out that in the case in question, the judgment of the editors appeared to have fallen far short of the standards that we know you want the Post to adhere to. I understand that this has been conceded by Mr. Ben Bradlee.

I am at a complete loss to understand Mr. Bagdikian's strange treatment of our criticism of Mr. Karnow's one-sided reporting on the reception of one USIA film. Mr. Bagdikian notes that we quoted an official cable which pointed out that this film was well received in London. Mr. Karnow had noted that it had not been well received in Sierra Leone. We suggested that a fair appraisal of the film might have given some weight to the London reaction. Mr. Bagdikian accuses us of "wishing to substitute (our) special sources for Mr. Karnow's." We have no special sources. We asked the public information office of USIA to tell us whether or not the Sierra Leone reaction was typical. That office supplied us with verbatim quotes of reactions from a number of countries, one of which was from London. We believe that Mr. Karnow would have been given access to this information had he sought it. He only needed to ask. That he either failed to do, or having done so, he failed to make use of the material available to him.

What is even stranger, Mr. Bagdikian says: "Your first complaint referring to Mr. Herschensohn, for example, seems to ignore the discharge of the gentleman and the reason given for it." Please note the following:

1. Our January 11, 1972 letter nowhere mentions Mr. Bruce Herschensohn.

2. Mr. Herschensohn, according to all reports we have seen, resigned voluntarily from USIA in the first week of April, 1972, and was not discharged as Mr. Bagdikian seems to believe.

3. How or why we could or should have mentioned Mr. Herschensohn's April resignation in a letter written in January is a mystery Mr. Bagdikian will have to resolve for us.

The AIM letter of January 11, outlined eight specific inaccuracies in the Karnow article, some of them quite serious and all reflecting a carelessness that ought not to be defended by a conscientious editor. Mr. Bagdikian states: "Where there are errors of fact we are concerned." However, he shows not the least concern about the eight errors we cited, neither conceding that they were errors nor disputing them. He says he sees none "of substance." I submit that when Karnow accuses Shakespeare of not permitting USIA to "show the seamier side of American life" when that is not the case is an error of considerable substance. I submit that when Karnow implies that USIA *wrongly* suggests that Presidents Kennedy and Johnson and the Democratic Party were responsible for our involvement in Vietnam that is an error of substance. I submit that when Karnow says that Shakespeare "lectured" Willy Brandt when that is false is an error of substance.

We at AIM are disturbed by the fact that the Post, after considering our carefully, documented letter for three months, could not produce a more substantive comment than that offered by Mr. Bagdikian. This belies Mr. Bagdikian's statement that "the Post is always open to honest criticism." Our criticism of the Karnow article was honest and well documented. It deserves an honest and serious reply, and unless the charges of error can be refuted, those errors should be corrected in the pages of the Post.

However, we shall take Mr. Bagdikian's reply as the best that the editors of the Post are capable of producing. We shall circulate to our supporters and others our original criticism, Mr. Bagdikian's reply, and this letter to you.

Sincerely yours,

ABRAHAM H. KALISH,
Executive Secretary.

AVOIDING MONEY IN THE BANK

Mr. PROXMIRE. Mr. President, editorial writers have a way of translating governmental gobbledygook into easily understood English. Such was the case when the Sheboygan, Wis., Press editorialized about the now famous memorandum of Adm. Elmo Zumwalt to Adm. I. C. Kidd. The Z-gram ordered available money to be spent before the end of the fiscal year so that the Navy would have no trouble with Congress in getting more money to spend in the next fiscal year.

The Sheboygan Press put the point across with punch in the last paragraph of its editorial:

Taxpayers will wonder about the wisdom of "avoiding shortfall" or as civilians would say "avoiding money in the bank."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

OUTLAY TARGETS

"Outlay Targets." That is the phrase Adm. Elmo Zumwalt used in a memorandum to Adm. I. C. Kidd. Adm. Zumwalt is chief of naval operations and Adm. Kidd is chief of the naval material command, the purchasing agent for the navy.

The Zumwalt memorandum includes many unfamiliar and technical phrases. Yet we think the first paragraph of it is worth publishing here and worthy of the 30 seconds or so that it will take to read it.

"Fiscal year 1972 outlay targets promulgated by reference A as part of the Presidents' budget for fiscal year 1973 are over $400 million above target in the earlier fiscal year 1972 budget for the OPN, SCN, PAMN, and MILCON appropriations. Difficulty of achieving these targets during the remaining months of fiscal year 1972 fully appreciated but importance of avoiding shortfall in meeting newly established fiscal year 1972 targets to avoid resultant adverse effects on anticipated fiscal year 1973 outlay ceilings dictated need for top management attention. Anticipate any shortfall in fiscal year 1972 outlay target could be translated into program loss under fiscal year 1973 outlay ceiling."

That is a portion of the memorandum read during a hearing of the Subcommittee on Priorities and Economy in Government. It was read into the record by Sen. William Proxmire who conducted the hearings.

The hearings were rather lengthy and far ranging, touching on several aspects of military procurement. However, if any point was clearly made it was made by that Zumwalt memorandum. After all the trappings and jargon are stripped away, it says, "Hurry, spend the money before July 1st or we will lose it, and our appropriation next year might suffer."

Admiral Kidd testified at the hearing, and being the loyal naval officer he denied that such a meaning could be read into the Zumwalt directive. He explained that unless that authorized purchases were made before the end of the year on June 30th the funds would no longer be available to make the purchases authorized by Congress. But, he insisted that the accelerated purchasing program would be an economy move because prices are always rising.

Those considerations would carry more weight, were it not for Adm. Zumwalt's fear of "avoiding short fall" (money not spent) so that the "outlay ceilings" for 1973 will not be adversely affected.

The chief of naval operations clearly is saying that Congress just would not understand a situation in which a military organization had excess funds. He seems to believe that appropriation committees would be deaf to explanations that appropriated funds were not spent because reliable contractors could not be found or that favorable contracts could not be negotiated for all those initiated Navy projects.

Taxpayers will wonder about the wisdom

of "avoiding shortfall" or as civilians would say "avoiding money in the bank."

REAL PROPERTY TAXES

Mr. PERCY. Mr. President, the subject of real property taxes is attracting increasing attention and concern throughout the country. The needs of localities are so great and property taxes are getting so high that many have said we are going to have almost a property taxpayers revolt on our hands.

This controversy has been brought to the attention of Congress by the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee that has just opened a set of hearings this morning on the subject of property taxes. I was privileged to be the leadoff witness in these hearings, and I ask unanimous consent that my statement given to the Intergovernmental Relations Subcommittee be printed in the RECORD at this point because of its possible interest to Senators, various State officials, and others dealing with this important area.

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

Americans are understandably "fed up" with taxes. Despite the fact that in the five full years I have been in the Senate I have participated in passage of two major reductions of personal income taxes, it is all too apparent to many Americans that the combined burden of Federal, State income and sales taxes, and local property taxes, is increasing, while the purchasing power of their dollars continues to erode.

At the same time they are paying more, Americans feel government is providing less and less. Spending by Federal, State, and local governments as a share of total Gross National Product has increased from 13.3 percent in 1950 to 22.2 percent in 1971. In spite of this vast expenditure, amounting to $233.1 billion in 1971, there is a wide-spread feeling throughout this country that government at all levels is failing to deal effectively with the problems of our poor, our environment, and the declining quality of life both in urban and rural America.

Government owes it to the people to do a much better job with the tax dollars it collects. Congress must do a better job of setting priorities and allocating resources. We members of the Government Operations Committee have a special responsibility to oversee Federal spending and programs—and to assure that the Federal Government is structured to operate effectively and efficiently.

Our record, frankly, is not good. The President submitted, and I introduced a year and one month ago, the President's four major executive reorganization measures. I believe that these structural reforms could vastly improve Federal Government effectiveness, but we in the Senate have not completed hearings on even one of these bills. We owe it to the people and to our own sense of responsibility to move promptly on these bills.

Federal, State and local governments are facing unprecedented revenue needs at the same time that taxpayers are said to be in revolt. It seems to me that Congress faces two closely related tax reform responsibilities. First, we must re-examine the Federal tax code in order to simplify it, to make it more equitable by closing loopholes, and to increase revenues. At the same time we must examine local financing, especially the local property tax.

Thus, I believe these hearings will fulfill a very important purpose. For too long we in the Federal Government have turned aside constituent complaints about unfair and excessive property taxes, considering them to be a local matter. We must now face the issue directly. Local governments are more and more urgently pleading for help from the Federal government. We have a right to ask them to re-examine their own revenue-raising methods. Before considering any new national tax designed to relieve local tax burdens—which would merely shift taxes from one form of wealth to another—we must ask the States to reform their own basic taxing methods.

Thus, I propose a combined program that would:

Encourage local property tax reform; provide property tax relief for needy elderly citizens; reform Federal tax laws by closing loopholes and by a more effective "minimum tax" provision.

PROPERTY TAX REFORM

Real property taxes supply the bulk of local government revenues. Of total tax revenues of $38.8 billion in 1970, local governments obtained $32.9 billion from property taxes, compared to only $7 billion in 1950. State governments had $57.5 billion of revenues from their own sources in 1970, of which $1 billion was supplied by property taxes.

Thus it is clear that the localities have a very heavy dependence on the property tax. Even though it is under intense public criticism for its many faults, the conclusion is obvious that the property tax cannot be scrapped. But it must be reformed. Though some States still maintain taxes on personal property, such taxes are undesirable because they are difficult to administer. The focus of reform should be the real property tax.

Reform will be difficult. Misconceptions about the property tax abound. We hear that it is an "obsolete" taxation method that has "outlived its usefulness," that it is "regressive," that it is illegal and even unconstitutional.

We should debunk such senseless and demagogic political rhetoric. In actual fact, the property tax is still a sound and essential mode of taxing wealth. Studies have shown that ownership of property is more highly concentrated than income. By taxing accumulations of wealth in the form of property—and increases in wealth that take the form of increased property values rather than cash incomes—we can plug a major gap that income taxation leaves open, and we can take a big step toward making the entire tax structure more equitable.

If it is reformed, the real property tax can be a fair, efficient, and progressive tax. What is needed is competent, objective and uniform application of the tax in order to broaden the base, establish a progressive rate structure and eliminate inequities. By reforming the administration of the tax and broadening the base, hopefully we can lower taxes for many homeowners.

The need for reform is demonstrated by such entrenched practices as:

Gross underassessment of large mineral, commercial and industrial properties;

Unnecessary and unfair exemptions for certain groups;

Indiscriminate creation of special taxing districts in which all property is free from tax, or taxed at very low rates;

Federal or State government property, including government land or buildings, which is leased to private commercial and industrial users, but which is not taxable by local jurisdictions;

Property owned by local jurisdictions which is leased for industrial and commercial use but is tax-free because still owned by the jurisdiction;

Exemptions for classes of homeowners regardless of the income or assets of such persons;

Administration of the tax by unprofessional, part-time assessors;

Fragmentation of States into hundreds of taxing jurisdictions.

It is therefore important to understand that the real property tax, if properly administered, has not lost its value. It has fallen into disrepute because it has been so badly, unfairly, and frequently corruptly managed.

A major criticism of the property tax is that it is regressive. A flat rate tax that applies to all properties assessed at a certain percentage of value, or at full value, will indeed produce regressive taxes that will bear more harshly on the poor than on the rich.

But the regressive features of the property tax can be eliminated in a number of ways.

First, the burden of the tax on elderly and low-income homeowners can be eased by providing rebates, which I will discuss later. The system can also be made more progressive by establishing different classes of property to which different rates will apply. For example, homes, farms, commercial, and industrial property can bear different rates.

The question of property tax progressiveness has received very little study, and is another issue this committee should consider. For example, the appropriate method of taxing farmland is a major problem in many states. Most of us would agree that farmers should not be taxed at the rates that are often indicated by the accelerating values of their properties. Various types of relief for farmers can be devised. Farmland can be classified in a low tax bracket. Or, the taxes farmers owe above a minimum level could be levied only when the farmer actually sells the land. In other words, farmland would continue to be assessed at its fair market value, and the farmer would pay a certain portion of the applicable tax, but the "excessive" element of the tax would remain uncollected until the farmer actually realized the cash value of the property at time of sale.

The property tax is neither illegal nor unconstitutional. The landmark decision of the California Supreme Court in *Serrano* v. *Priest* did not, as is widely thought, hold against the property tax itself. It simply said that a State cannot use any method of education funding that results in different amounts of money spent for children in different localities.

The *Serrano* decision, and others in Texas and Minnesota, is forcing many States to re-examine their property tax systems as the basis for financing education.

The local property tax is the primary source of funds for public education. It provides 52 percent of the $42 billion we spend annually on education. Only 41 percent comes from the states and only 7 percent from the federal government.

This heavy reliance on property taxes has resulted in wide variations in school support and the educational inequities inherent in such variations. Thus, the quality of a child's education can largely be a function of the taxable wealth of his community.

The impact of this system can be illustrated by examples such as the following:

According to the National Educational Finance Project, a study of 215 standard metropolitan statistical areas showed the revenue capacities of local governments ranged from $343 per capita to less than $100 per capita.

The same study showed that a wealthy district in Indiana annually provides $2,100 per child while the poorest provides only $580; in Virginia the ratio is $1,150 to $500; in California $1,300 to $650; in Louisiana $1,100 to $450; and in Michigan $1,300 to $650.

My own state of Illinois offers similar comparisons. The state's wealthiest high school district had an assessed valuation per pupil of $257,818, in 1969; the poorest a valuation of $27,984. The wealthy district spent $1,761 per pupil; the poor district, $607.

Average assessed valuation per pupil for the state's 10 wealthiest high school and elementary districts are almost the same—slightly more than $170,000. At the other end of the scale the state's 10 poorest elementary districts had a 1969 average assessed valuation of $8,221, and the 10 poorest high school districts averaged $35,117 per pupil.

The only means available for a poor school district to achieve some measure of equity in its educational spending is to tax its property owners at a very high rate.

The property tax as the major means of financing education must be reformed if we are to provide equal educational opportunity for every child and treat all taxpayers fairly.

SOME PROBLEMS OF PROPERTY TAXATION IN ILLINOIS

Illinois shares with most other States serious problems both of structure and administration that demand corrective action.

Though the State has jurisdiction over property taxation within its boundaries, property tax administration is divided among hundreds upon hundreds of local tax units. The result is that the tax base is so fragmented that property taxes cannot be applied to best economic advantage, and many, if not most, tax jurisdictions are unable to provide a reasonable level of services at a reasonable tax rate. According to the Advisory Committee on Intergovernmental Relations, Illinois has 1,424 property tax districts.

The resulting "balkanization" of taxing jurisdictions leads to many problems, very serious disparities among taxing districts; adverse effects on land use and planning, and multiple opportunities for abuse of the tax itself.

In Cook County citizen action programs and the press have revealed examples of abuse and documented some of the worst features of the County's property tax system. It is exposed as arbitrary, intensely personal and political, closed, and unfair. Certain major properties have been assessed far below their fair market values and below that of comparable properties owned by less politically influential owners.

In Cook County, for example, the land at five major racetracks, Arlington, Maywood, Hawthorne, Sportsmens and Washington, is underassessed by an estimated $22.3 million. At Arlington alone the land is assessed at an outrageously low 3.7 percent of market value.

Though State law requires assessment at full market or sales value, this is never done in practice. Throughout Illinois, assessment ratios are a matter of local determination, though a State effort is made to equalize tax assessments between counties. Cook County lists several classes of property, each with a different rate. For example, commercial and industrial property is assessed at 45–55 percent of market value, and residential property at 20–25 percent. These categories were arbitrarily established by the county, however, and there is no assurance that properties falling within these classes are actually assessed even at those rates.

Illinois Governor Richard Ogilvie has recognized the seriousness of this problem in Illinois by appointing a State official to review property tax problems in major counties. I very much support this review, which I hope will lead to a major state program that will come to grips with the problems of property taxation in Illinois.

CITIZEN ACTION

Many of the faults of the property tax as it is now implemented stem from lack of public knowledge, or ability even to find out, about local property taxing systems. Thus the single most important tool for improvement is "full disclosure." When a taxpayer receives a property tax bill higher than last year's, he should know why. The information he needs to determine whether his property is overassessed, or whether he is paying more than his fair share in order to compensate for someone else's exemptions, should be readily available to him. If it is not, the taxpayer should and can demand establishment in his local taxing jurisdiction of a quick, easy procedure for taxpayer information and appeals, and State governments should spur creation of such systems.

Thus, taxpayers themselves must and can be the policemen of the local tax system. They can and should demand access to the records and the procedures by which they are taxed.

The ability of citizen action groups to fight and beat City Hall has been demonstrated in Cook County. Citizens groups like Citizen Action Program and Businessmen for the Public Interest are forcing changes in what was a closed and virtually impregnable system. I very much hope that this Subcommittee will be able to hear from progressive groups like these from my own State, either in field hearings or in additional hearings in Washington

AID TO THE ELDERLY LINKED WITH PROPERTY TAX REFORM

One of the most troubling problems I have experienced in my own work as a member of the Senate Select Committee on the Aging is the tragic effect of high property taxes which force elderly people out of their homes frequently into inferior, inhospitable, even dangerous housing situations.

Property taxes have skyrocketed, but the incomes of elderly people have remained fixed, or have risen only modestly. Their taxes are essentially being used to educate someone else's children.

State assistance is urgently needed to blunt the burden of high property taxes upon elderly property holders. Such programs have been adopted in Wisconsin, Minnesota, California, Vermont, Kansas and other states; they should be encouraged in all the States.

I propose Federal grants to the States to encourage creation of such programs. The Governor of Illinois has proposed such a program, estimated to cost $16 million annually. Under the Governor's proposal, if the property tax bill of an elderly person (age 65 or over) exceeds 8 percent of his income, that person then becomes eligible for relief in the form of a grant from the State. Maximum grants are limited to $300. Over an income of $3000, the maximum grant drops by $5 per each additional $200 of income. For example, if an elderly property owner has an income of $3000 and his property tax exceeded 8 percent of his income, the State would pay the excess up to $300. If the property owner has an income of $3200, the maximum state payment would be $295. An elderly household with income over $14,800 would not be eligible.

The program proposed for Illinois also includes renters. The State has calculated that 25 percent of one year's rent applies to property taxes. Hence, seniors would be eligible for rebates on 25 percent of their rents.

The Illinois proposal is not a tax forgiveness scheme. The assessment is made, and the tax is levied, as usual. The elderly citizen then applies for a rebate from the State for the excess amount of tax.

The mechanism might be improved by permitting elderly citizens to calculate the amount of the State property tax rebate and deduct that amount from their local property tax bill. The State could then reimburse the local taxing unit for the amount of the tax rebate.

Governor Ogilvie's proposal could reach an estimated 185,000 out of 660,000 senior Illinois households. The amounts used in the formula proposed for Illinois may not be adequate to meet the needs of other States, but the formula itself seems workable and fair. Perhaps the Illinois proposal itself should be expanded to provide greater coverage of needy elderly homeowners. I would, however, leave determination of the appropriate formula to study and investigation by this Subcommittee and the Special Committee on Aging.

In addition, I would urge this Subcommittee to consider extending the proposal to other low-income property owners who need relief from property taxes.

States should also consider permitting a poor householder to defer property taxes by accepting a tax lien on his property. The individual's tax bill would be paid to the local government from a State fund, which would be reimbursed either at time of sale of the property or by the taxpayer's estate at death.

STATE PROPERTY TAX REFORM

In order for states to be eligible for Federal payments, they must, over a period of time, reform their property tax systems.

1. *States must establish uniform systems of assessment that would help assure an equalized property tax burden on all communities in the state, establish progressive rate structures and provide equal education funding.*

This means abandonment of the exceptionally fragmented property tax administration that now exists. The Advisory Commission on Intergovernmental Relations lists 14,496 property tax districts in the United States. The result in many states is a system that encourages such abuses as:

Competition among communities for high value industrial or commercial enterprises, often through promises of property tax relief;

Badly planned urban development, which discourages setting aside of land for parks and other community related non-taxable facilities;

Gross disparities in revenues; for example, communities with almost no commercial or industrial property tax bases (and thus high taxes on homeowners) adjacent to communities with a wealthy base (and low taxes);

Tax boundaries drawn especially to allow industrial or commercial properties to escape taxation.

Uniform state assessment would be a major step toward providing a broader, more equitable tax base that could result in additional revenues.

But State assessment would not solve the problem of the balkanization of taxing jurisdictions of varying degrees of wealth, each levying different tax rates in order to derive revenues.

Levying property taxes on a State basis would be a way to overcome the problem of balkanized local tax jurisdictions. But this answer raises extremely serious problems of local autonomy and local government control. States could only with great difficulty require local communities to share their tax bases. Minneapolis has created a compact with neighboring counties by which increases in assessed valuation of the tax jurisdictions in the region will be shared among them by a proportional formula. This is an extremely valuable initiative that I suggest be studied by this Subcommittee.

Moreover, I suggest the Subcommittee consider the problem of fragmented taxing jurisdictions with great care in order to propose workable solutions to be implemented by the States.

2. *States must define the property tax base so that the tax is enforceable and relatively easily administered.*

A major fault of some States' property taxes has been that they attempt to tax property, such as personal property, on which it is difficult if not impossible to assign a realistic value. Another problem has been that states require that the basis for assessment be market or fair sales value. This is the theory, but not the practice. Instead, individual jurisdictions and assessors often develop their own standards of assessment, which are variable within jurisdictions according to the whim of the assessor, or they create locally-determined formulas allowing

for perhaps illogical variations between classes of property. This Subcommittee could provide a valuable service by suggesting standard definitions of property tax base and standard rules for assessment of different classes of property.

3. *States must seek to broaden the tax base by establishing a minimum number of clearly defined exemptions.*

As property taxes have risen, so has a nation-wide trend toward adding exemptions. Such exemptions further erode the property tax base. For example, Illinois in 1970 enacted a homestead exemption of $1500 for each property held by an elderly citizen. The exemption was a response to an urgent need, but was not the best response. The better course would have been to retain assessments and taxpayer payments, but to provide the subsidy directly from revenues so that it would be visible. The National Commission on Urban Problems said that such exemptions "result in increased expense for taxpayers to whom the burden is shifted, progressively weaken the property tax system, and complicate administration . . . Sounder policy would involve open regular subsidies for socially defensible purposes, requiring appropriation and expenditure action."

Proliferating exemptions is one of the worst problems of property taxation. For example, in Illinois we do not even know how much property is exempt. Exemptions are relatively easy to obtain. Reapplication at intervals is not necessary. There is no compilation of the total amount of exempted property, and thus no knowledge of the cost, or validity of exemptions.

4. *States must reform administrative machinery.*

All assessments should be made annually by a highly trained, professional team of assessors employed by the State and using modern data processing techniques. Separate Federal grants should be available for development of such professional services.

5. *State and local tax jurisdictions must regularly publish assessment and other data.*

States must regularly publish current information on assessment/market ratios, exemptions from tax, and should notify taxpayers of processes of reassessment and the application of tax rates.

6. *States must establish regular machinery for taxpayer appeals, and for the collection and disbursement of revenues.*

A full disclosure policy must be backed by a ready system for easy appeal by taxpayers. Collection of property taxes should be improved. Monthly tax escrow payments to banks or savings and loan institutions should not be held by them, but should be turned over to the taxing authority.

This practice would save many communities from borrowing from the same institutions to meet their expenses until the financial institutions make their annual payments of tax funds held in escrow. It would end the practice whereby the financial institutions collect escrow money from mortgagees and hold it without paying interest, while at the same time lending at interest to municipalities. The result would be to save millions in interest costs on tax anticipation warrants.

FEDERAL PROGRAMS

To complement State tax reform efforts the Federal Government should take the following steps:

1. Establish a center for State tax assessment programs which would include training programs for assessors, and creation of model state assessment and appeals programs.

2. The Census Bureau should extend its current assessment/sales ratio studies to properties worth more than $300,000, so that such properties, which can provide substantial tax revenues, are more fairly assessed.

3. The Internal Revenue Service should establish a regular system of spot-checks on the veracity of the breakdowns between land and building valuations. There reportedly is a wide-spread practice of overallocating value from land to improvements because the amount of depreciation a reporting taxpayer can deduct from taxable income is thereby increased.

4. Present disparate Federal appraisal functions should be coordinated within the Census Bureau. The Federal government now makes appraisals in connection with mortgage insurance programs, urban and rural housing programs, rate checking in regulated industries, defense procurement, acquisition of national parks and highways, settling damage claims, and checking IRS returns. This appraisal information, which extends into all the States and many communities, could be helpful to State assessment agencies if made available through a central computerized retrieval system in the Census Bureau.

TREASURY STUDY OF SITE-VALUE TAXATION

The Treasury should begin a study of the practicality and effect of site-value taxation. Reputable analysts for years have contended that prevailing state systems of property taxation, which typically undervalue land and overvalue improvements, discourage property improvement, encourage holding of unimproved or vacant urban lots (including slum housing) and encourage urban sprawl by making it cheap for speculators to hold blocks of vacant suburban land pending future sale at optimal prices.

FEDERAL PAYMENTS IN LIEU OF TAXES

The Federal Government owns, according to the 1970 Report of the Public Law Land Review Commission, 33.3 percent of the national land area, which is under the control or administration of at least 28 different Federal agencies. The Federal Government should begin to make payments to the States and localities in which such land is held. Presently a number of Federal payments are made to communities or jurisdictions to compensate for tax-reducing effects of large Federal land holdings. These payments are not nearly adequate. The Public Land Law Review Commission strongly recommended that Federal payments in lieu of taxes be made, though permitting a public benefits discount of at least 10 percent in order to give recognition to the intangible public benefits that some public lands provide.

FEDERAL TAX REFORM

It would be inappropriate to demand reforms of local property taxes without asking for reform of the Federal income tax.

Over the years the Federal tax code has been amended to provide special tax treatment for many types of economic activity. These tax subsidies are estimated by the Treasury to cost the United States $35.8 billion in lost tax revenues in fiscal year 1971, compared with total Federal tax receipts of $188.4 billion the same year. This figure does not include the effect of the Revenue Act of 1971, which increased the annual cost of tax subsidies substantially.

It is projected that the revenue needs of the Federal, State and local governments will require new Federal taxes. Rather than consider imposing a new type of Federal income tax such as a value-added tax, or before raising present income tax rates, we must now take a hard look at the structure of the Federal tax code, including tax subsidies.

A first step is to know what the annual cost of such tax subsidies is. Senator Javits of New York and I offered an amendment to the 1971 Revenue Act to require an accounting of the cost of tax subsidies to be submitted each year with the budget. The Administration opposed the amendment, as did some Senators who were afraid what such public disclosure might show, but the Senate passed it nonetheless. The Provision was deleted in conference, but the Treasury agreed that it will annually submit such a report.

Federal income tax reform is certainly needed. But I deplore the facility with which some politicians distort this issue. What appears to one man as an outrageous give-away for a special group or economic interest, appears to another as a justifiable, necessary subsidy to encourage an important element of public economic or social policy.

A number of existing so-called "loopholes" have been singled out for reform. Prominent among them are percentage depletion allowances for companies in extractive industries and taxation of capital gains at death. Many other loopholes can be cited as examples. To a significant extent the actual revenue-raising effects of such tax reform measures have been exaggerated, according to Treasury tax analysts.

Thus it is appropriate to distinguish reform for purposes of equity, and reform for purposes of raising additional tax revenue. Tax equity has become critically important as average citizens more and more come to resent those who are able to reduce their taxes often by significant amounts. Closing undesirable loopholes will, in many cases, increase revenue only marginally. But the more important purpose, ensuring that the burden of taxes falls equitably and fairly on everyone, will be achieved.

A major question of equity that has received a great deal of attention in the press each year is the number of people of wealth who pay no tax at all. A preliminary Treasury report for 1970 shows that 22 people with incomes over $500,000, and 3,314 people with incomes over $30,000 paid no tax at all.

The Tax Reform Act of 1969 attempted to deal with this problem by enacting a minimum tax provision requiring that all preference income (for example, long-term capital gains) over $30,000 be taxed at a rate of 10 percent. Specifically, it provides that tax on regular income be deducted from preference income, and that the 10 percent tax be applied to remaining preference income. It was estimated at the time that this provision would generate an additional $635 million in taxes. Consideration should now be given to tightening this provision. The $30,000 exclusion could be eliminated. The provision permitting the tax on regular income to be deducted from preference income could be eliminated. Bracketed rates could be established to provide for higher taxation of higher preference incomes. I now have legislation to accomplish these changes under study.

CONCLUSION

Mr Chairman, these proposals for property tax reform raise a number of very complex problems. I can only suggest answers to these questions. It is my hope that this Subcommittee, which initiates today the first Congressional examination of local property taxation, give these issues the attention they require through thorough hearings, and staff and consultant studies.

By providing a Congressional forum for the study of problems of property taxation the Subcommittee is providing a focus for an increasingly intense national discussion.

The property tax is under increasing attack from all elements as costs of public services increase. Relief for certain types of property owners, particularly the elderly, is necessary. Reforming the property tax can, in my view, do a great deal to reduce inequitably high rates for many people, and raise them for those who are unfairly exempted or underassessed.

The problem with the property tax is not the tax itself but in the way it is administered. If Congress is to respond to popular dissatisfaction and increasing local needs for funds, then the Congress should expect the States and localities to begin putting their own taxing system in order. These proposals, I submit, are a start in that direction.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM WAR

Mr. ALLEN. Mr. President, I have placed in the RECORD, the names of 1,150 Alabama servicemen who were listed as casualties of the Vietnam war through December 31, 1971. In the period of January 1 through March 31, 1972, the Department of Defense has notified four more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,154.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these four Alabamians.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, JANUARY 1, 1972, THROUGH MARCH 31, 1972

ARMY

SP4 Neil W. Jones, husband of Mrs. Regina J. Jones, Route 14, Box 304, Cullman, 35055.

SP4 Don H. Ware, son of Mrs. Margaret H. Whitehead, P.O. Box 399, Trussville, 35173.

1LT James C. Williamson, son of Mr. and Mrs. Shelton M. Williamson, Route 1, Box 439, Anniston, 36201.

AIR FORCE

Amn Bruce D. Jones, son of Mr. and Mrs. Richard Jones, 302 Reynolds Avenue, Evergreen, 36401.

WHALES AND MEN

Mr. BROOKE. Mr. President, on April 23, 1972, Dr. Robert M. White, Administrator of the National Oceanic and Atmospheric Administration and a fellow Bay Stater by birth, delivered the inaugural lecture at the New Bedford Whaling Museum's new theater. It was entitled "Whales and Men," and I was most pleased, upon reading it, to discover his keen awareness of the urgent necessity for action to save the world's whales—the noblest of ocean mammals. I believe his lecture is well worth the attention of Senators, I ask unanimous consent that it be printed in the RECORD.

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

WHALES AND MEN

As a New Englander, I am grateful that you have invited me to participate in the inauguration of your fine new auditorium. It is a milestone in this institution's history, and the city's, and I am honored to be a part of the occasion.

Nineteen hundred seventy-two marks the first year in more than 300 that the shout "Thar she blows!" will not be heard from the deck or crows-nest of a United States whaling ship. All U.S. whaling ceased officially on December 31, 1971—and thus ended one of the most colorful and exciting eras in our oceanic annals, times of glory and times of shame.

It is not only fitting, but important, that this noble mammal, and the men who pursued him, achieve the security of a niche in history. The blue whale is the largest mammal, past or present, ever to live on earth. In comparatively recent years, one of the largest blue whales taken was 89 feet long and 43½ feet around. It weighed 150 tons. The tongue alone weighed three tons. My personal awe of whales and my fascination with them goes back, as it must for many of you, to Moby Dick. It is, of course, regularly reinforced by periodic visits to the Smithsonian Natural History Museum in Washington where the full-scale model of the blue whale dwarfs all else in the museum.

Whales appear in our literature from virtually the earliest of times. That whales were not fish, but mammals, was recognized by Aristotle as early as 350 B.C. There is evidence that long before the Pilgrims landed on Massachusetts' shores, whaling had extended to the waters off what was to be the United States; records predating 1676 established that men were hunting whales off the colony of New Plymouth.

It was inevitable that New Bedford should become a major whaling port. Acushnet Harbor was, and is, ideal for a fishing industry's home port. By 1751, a small whaling operation was underway from New Bedford. By 1763 a viable fishery for Right Whales was in being off New England. Incidentally, I was interested to learn that the name Right Whales for the species came into being because New Bedford whalers found it the most profitable one to catch and called it the Right Whale. For many years, this whale—a heavy producer of oil and whalebone, was the mainstay of the New England whaling industry.

To complement the growing whaling of the 1760's, the New Bedford waterfront developed rapidly with boat-builders, suppliers, agents, and others. It took the American Revolution to slow it down; it was simply too dangerous for a colonial whaler to be caught by the British. After the war, the crippled port of New Bedford looked again to the Sea and the whale to help restore its vitality. Whales, in fact, accounted for New Bedford's comeback; not until after the War of 1812 and until New Bedford ships were ranging worldwide for whales did the city enjoy a return to prosperity. In the interim, however, a certain amount of history was made: For example, the vessel *Rebecca* became the first American whaling ship to double Cape Horn, sailing September 28, 1791, and returning February 23, 1793, with a full cargo of sperm oil.

In the 1800's—the golden age of old-time whaling—New Bedford men and other New Englanders with pioneer spirit, and the courage and endurance to undertake the rigors of life at sea, sailed their ships in search of the whale oil which in those days provided light and fuel. In New Bedford alone in 1857, no fewer than 329 ships worth more than $12 million, employed no fewer than ten thousand men.

Whaling had become so identified with the functioning of New Bedford, that Melville in Moby Dick could write, "In New Bedford, fathers, they say give whales for dowers to their daughters, and portion off their nieces for a few porpoises apiece. You must go to New Bedford to see a brilliant wedding; for they say, they have reservoirs of oil in every house and every night recklessly burn their lengths in spermaceti candles."

But advancing technology is noted for ending many a legend of bravery and glamour and a new product called petroleum, which appeared at the turn of the century, foreshadowed the death knell of whaling in the United States. Development of this new fuel, and rising production costs, brought a decline even more rapid than the rise of whaling. By 1906, only 46 whaling vessels survived in the entire Nation. The last whaler sailed out of New Bedford in 1927. And now there are none anywhere in the United States.

But as one era ends, a new one begins. Many of the world's whale herds are threatened with extinction. The era before us must be one of restoration of these herds. Why do we find ourselves in this desperate predicament? Our New Bedford whalers of the 1800's would have been struck dumb could they have witnessed the efficiency of modern-day factory ships operated by the Soviets and the Japanese. This efficiency, combined with the intensive whaling for 150 years, has been more than our whale populations could stand. As we have grown to appreciate the obligation that man has to preserve and protect the earth and its ecosystems which sustain all of us, the tragedy of the whale strikes home. These magnificent beasts are part of the fabric of our world and their disappearance will diminish us all. It is expressed best in Genesis where it is said: "And God created Great Whales." We in the United States have an obligation to provide the spur that will lead to the protection of our remaining whales, that they may return to their past abundance.

We cannot say that the depletion of our whales is something which has crept up on us and taken us by surprise. As early as 1925, the League of Nations appointed a committee to study whale exploitation in the fear that the rarer species might become extinct. Ten years later, a Convention on the Regulation of Whaling came into being. The Whaling Treaty Act of 1936 implemented the Convention's provisions, protecting four severely depleted species of Right Whales and prohibiting the capture of female with calves.

The Convention was suspended during World War II, but it was renegotiated in 1946, the principal change being the establishment of an international commission, a permanent organization to regulate whaling. The Convention also established a form of international quotas. But the quota system adopted was biological nonsense. The method of establishing quotas did not distinguish between the various species of whales, their abundance, their migratory habits, their life cycles. They were all regarded merely as so many potential barrels of oil. It was as if we regulated the taking of birds in terms of a quota on the poundage of feathers, and not on the variety or abundance of species. It was as if the bald eagle could be equated to 32 sparrows!

Although the International Whaling Commission, established to provide for international conservation of whales, has done much fine work, some whales are now threatened with extinction. History will clearly judge the International Whaling Commission on the fate of the whales, and unless significant changes are made, history will judge it a failure. We urge the IWC to do more. We do not intend to relax until we have achieved, through every means available to our Government, a suitable international arrangement for the protection and conservation of whales.

How badly off are we? Badly enough. Sufficiently badly to indicate that lack of action may doom many of the species. I do not believe, as some fear, that already there are too few whales of certain species to permit them to find each other and reproduce, and that they will simply disappear forever.

Our scientists believe that, given a reasonable chance, the whales—even our most depleted stocks—will survive.

The best estimates available to us indicate a global population of about 100,000 fin and 120,000 sei whales, more than 150,000 sperm whales. These species are in the best condition, some of them depleted but not threatened with extinction. However, the situation with other species is desperate, perhaps as few as 6,000 blue whales remain—the species which is in the worst condition. That we can

hope to restore whale herds by conservation practices is demonstrated by what has happened to the Grey Whales in the eastern North Pacific. These marvelous beasts which make their annual migration down the California Coast in sight of land once seemed doomed. The herd size has now been stabilized, and actually increased moderately in the past 20 years, although this year's count has revealed an unexplained decrease.

The growing tragedy of endangered species in general has been recognized. The Congress provided certain tools for dealing with such problems in its passage of the Endangered Species Act of 1969. In November, 1970, the Secretary of the Interior declared eight species—including those not recognized as being endangered by the International Whaling Commission—the fin, sei, and sperm—to be endangered species. This prohibited the importation of whale products into the United States as of December 2, 1971.

U.S. whaling is governed by licenses issued by the Department of Commerce. The Secretary of Commerce, in whose Department the National Oceanic and Atmospheric Administration is located, thereupon ordered the cessation of U.S. whaling by denying the issuance of further commercial licenses. This terminated commercial whaling in this country as of December 31, 1971. Announcing the action, Secretary Maurice H. Stans said that "while the Commerce Department is vitally concerned with the health of all U.S. business, it is also firmly committed to sound conservation practices." This policy is being carried forward by our new Secretary, Peter G. Peterson.

Our Congress has acted. Resolutions have been passed requesting the Secretary of State to call for a global 10-year moratorium on whaling. Other bills under consideration by Congress will also help. One is the Marine Mammals Protection Act which would prohibit the taking or importing of marine mammals. The second is the Administration's new and stronger Endangered Species Bill. The new Endangered Species Act provides the authority which will protect species before rather than after the fact of endangerment. This new legislation would empower regulatory action by the Government on species which are likely to become endangered within the foreseeable future.

But let us square with the facts—cessation of the last whaler in the U.S. and preventing of whale products is a valiant gesture, but a feeble tool, for protecting the whales. The simple fact is that whales are caught by other nations, and our actions affect them not at all. Although the United States has taken the lead in conservation initiatives, we must face the fact that we alone cannot save the world's whales. And so we must seek now ways to achieve our goals. What we need and what your Government is forcefully advancing is a more effective international management scheme which would involve whaling and non-whaling nations alike. Here the administrative and scientific capabilities of the International Whaling Commission must be strengthened. But more importantly, it must move decisively to enact a much improved management program adequate to insure survival of the world's whales. We in the United States must step up our scientific studies also to assist in this program to provide for a rational foundation for the conservation not only of whales but of all marine mammals. We in NOAA will expand our marine mammal scientific program to provide the required information.

Regulations must be supported by enforcement through international inspection systems covering all the world's whaling fleets. We will work to insure that our proposed conservation efforts will receive meaningful support in the International Whaling Commission. We are, however, prepared to enlist the assistance of other organizations and take the world's case for whale protection to other forums. For example, the landmark United Nations Conference on Problems of the Human Environment, to be held in June in Stockholm, will consider the issue of whales. We intend to pursue the topic vigorously there.

Whatever the mechanism, the challenge is clear and present, and in it lies something more than perhaps our last chance to save the whales. In this challenge lies the opportunity for the great nations of the world to demonstrate that they can—and will—work effectively and unselfishly together for a cause common and vital to all.

We admire the hardy men who preceded us here; who went down to the sea in ships, many for two or three years, many never to return, in search of the whale. They are part of our folklore; they are very much in the American tradition. In the early and mid-1800's, when there was no reason to believe the sea would ever lack a bountiful supply of whales, there was no reason for concern about their preservation. I am convinced that our New England forbears, who lived so close to Nature for so long, and who lived in harmony with her—within the limits of their understanding—would be the first today to recognize and champion the coming of the new era of conservation.

We must, in fact, conserve or suffer the consequences. Although it is not a popular thing to say, conservation must begin at home. The concept is not an easy one to accept in the face of the difficulties which today beset New England's fisheries and with the spectacle of foreign fleets gobbling up valuable—and perishable—stocks almost under our noses.

For more than 300 years, men from New England have fished the rich banks off New England for their livelihoods. During these centuries the fishing grounds, although located in international waters, were used almost exclusively by American fishermen. In the early 1960's, huge fleets from the USSR and other nations moved in, bringing modern technology, mass fishing, depletion and hardship. Haddock, cod, herring, the hakes, mackerel and other species have been, and continue to be, heavily exploited. This audience knows the impact better than all others. You suffer double jeopardy. You bear the brunt of the economic hardship that accompanies both bad conservation practices as well as the remedies of drastic quotas necessary to give hope of restoration of resources on which you depend. I speak of the yellowtail flounder, one of the mainstays of New Bedford's fleet today. In recent years this species has declined alarmingly, with the hardships more than evident.

You are faced with a Hobson's choice—some of you think unfairly—to suffer the immediate hardship of quota regulations and to work with us to restore the resource on which the community depends, or suffer in the long run the catastrophe which will result from unregulated take and permanent destruction of the resource. You have a right to expect the support of your Government to assist you in these difficult times. You have the right to expect your Government to represent you and your interests forcefully in international negotiations, and you have the right to expect your Government to insist upon enforcement by all, of such agreements as are arrived at. I will be the first to admit that we have not always been successful. But it is not because we have not tried. And I pledge that we will not cease to exert our every effort.

We face a dilemma. It is a fact that fisheries on the high seas beyond 12 miles are in international waters. Under present law, they are common property and are subject to exploitation by anybody and everybody. The only mechanism we now have to regulate the take is through the International Commission for the Northwest Atlantic Fisheries. It has not served our national interests adequately, but it is all we have. We are striving in that forum to push for adequate regulations. We seek to move toward national quotas as a means, at the present time, of insuring adequate fish for our fishermen. We have made a start with herring. More species must be brought under quotas soon.

This kind of regulation may save the stocks but not necessarily American fishermen, for those nations whose recent efforts have depleted the stocks still will be able to take a major share. In our view, the problem will not approach solution until the coastal nation has a much greater degree of control over coastal fishery stocks, and a preferential share of the yield of those stocks. We have expressed our views vigorously in support of coastal Nation control of coastal stocks at the most recent preparatory meeting for the United Nations Law of the Sea Conference to be held in Geneva in 1973. NOAA and its National Marine Fisheries Service are deeply involved in planning for the conference, and we are determined to seek a U.S. position which will bring an end to the systematic overexploitation of resources on which our people depend.

We are also deeply concerned about environmental deterioration and its effects upon the living things of the sea. The practice of dumping polluted materials in the ocean has had serious consequences. Clams, bay scallops, and oysters, limited essentially to coastal waters, are especially vulnerable and deserve the best protection we can offer them. Even more important is the continuing decline of water quality in our estuarine and coastal environments, and its effect upon their capacity to produce the things we need. Man has physically damaged these environments through thoughtless dredging, filling and bulkheading, thus removing vital nursery areas. I wish every developer along the United States coastline could be made somehow to realize that two-thirds of all our coastal species spend at least part of their lives in our bays and estuaries.

Nevertheless, there are hopeful signs. Officialdom, at least, is becoming painfully aware of the fact that the coastal zone has a multiplicity of use, and one of the most important is as a habitat for valuable commercial fisheries and a source of recreation. It is becoming quite clear that coastal zone management mechanisms must be found and put into practice to properly balance the uses to which we put this vital area.

When NOAA was created in October, 1970, President Nixon charged us with a major environmental mission. Chief among our tasks are the exploration and description of the oceans, their basins, and their life forms and resources, achieving a better understanding of their processes, and supporting the technological advances necessary to effective and protective use of the seas.

Our marine resources—poorly understood, managed hardly at all, threatened on all sides—are among our most priceless assets. We intend that what has happened to the whale shall not be repeated with other species if it lies within our power to prevent it.

Thank you.

WOMEN IN LEGAL EDUCATION

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum entitled "Women in Legal Education," prepared by the Association of American Law Schools.

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

WOMEN IN LEGAL EDUCATION

Based on information provided by input forms received from law teachers in connec-

tion with preparation of the 1971–72 edition of the *Law Teachers Directory*, 200 out of 4,800 members of law school faculties in the United States have identified themselves as women. Since not all women faculty members chose to indicate their sex, absolutely accurate figures are not available. However, 200 women law teachers represent a little over 4% of the total faculty in law schools. This represents, proportionately, a 100% increase in the number of women on faculties since 1968.

These figures include librarians, but such inclusion is particularly appropriate in the law school world, where approximately 50% of the librarians have tenure and faculty status and participate in the formulation of educational policy decisions within their individual law schools. Also, it is not uncommon for law librarians to have important teaching functions, particularly in legal bibliography and research technique.

There has also been a significant increase in the number of women law students in the last few years. For example, in 1969, out of a total law student population of approximately 72,000, there were about 5,000 women. In 1970, although the law student population nation-wide increased about 20%, to approximately 86,000 students, the number of women enrolled increased almost 50% over the previous year, to a total of about 7,300. And, in 1971, the number of women students increased to a little more than 9,100 out of a total student body of approximately 97,000. Furthermore, it is important to note that, while the total number of women students continues to increase at a rate greater than the overall increase in the law student population, the increase of women in the first year class is greater than the overall increase of women students generally. Thus, in 1970, the first year class numbered approximately 36,600, of which almost 3,800 were women, while the first class in 1971 had almost 4,500 women out of a total of approximately 37,500 law students.

THE RUSSO-GERMAN TREATY—A TIME FOR REFLECTION

Mr. BELLMON. Mr. President, on this day, May 4, 1972, the German Bundestag had scheduled a crucial vote on the subject of ratification of the Russo-German nonaggression pact.

The very strong and vocal opposition to the ratification of this treaty expressed over the past months, and particularly in the past week, almost caused the fall of the West German Government of Willy Brandt and has erupted into the most severe political crisis in post war Germany.

The narrow margin of 249–247 that Mr. Brandt managed to achieve in the April 27, 1972, vote of no-confidence, places in dire jeopardy the credibility of the Brandt government and undermines the confidence of its allies in that regime.

It now appears that the West German political crisis has resulted in a decision by Chancellor Brandt and the Christian Democratic Union to postpone the scheduled ratification vote and to attempt to reach a meeting of the minds of this key issue.

I applaud this new development and trust that all parties concerned will reflect upon the basic principals of the Russo-German Treaties and the Russian record of abrogating treaties and agreements in the past.

I hope the West German leadership will reflect upon the dual role the U.S.S.R. is presently playing; that of implying peaceful goals in the Russo-German treaty and at the same time maintaining the east European prison, aggressively extending their naval might in the Mediterranean and Indian Oceans and financing the invasions of South Vietnam, Cambodia, and Laos

I hope the West German leadership will reflect upon the Russian record in the United Nations where their performance as champions of peace is difficult to identify.

I would hope the West German leaders would reflect upon the long suffering imprisoned East European population whose plight is totally ignored in the treaty.

I would further ask them to understand and reflect upon the U.S. military commitment in Western Europe, a commitment that has gone on since the end of World War II—27 years—a commitment that cannot continue for the sake of supporting treaties that by thier definition call for a reduction in that commitment.

Finally I would hope that the West German leaders will address themselves to the principal of a true nonaggression pact that would incorporate practical, and meaningful expressions of a desire for peace.

I firmly believe that unless the Russo-German nonaggression pact incorporates concrete provisions, that are a true expression of a desire for peace and not implied promises, any hope of achieving a meaningful peace-agreement with the U.S.S.R. is shear illusion

GOVERNMENT'S BRIEF IN UNITED STATES AGAINST GRAVEL

Mr. ERVIN. Mr. President, on Tuesday, April 11, 1972, I placed in the CONGRESSIONAL RECORD the brief submitted by the Senate in the Supreme Court case of United States against Gravel. The brief appears at pages 12098–12102. On April 11, the Senator from Alaska (Mr. GRAVEL) placed in the RECORD the text of the brief he has submitted to the court. That brief appears at pages 12674–12728 To complete the RECORD, so that Senators and the American people will have available the positions of all the parties in the controversy, I ask unanimous consent that the brief prepared by the Department of Justice be printed in the RECORD.

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

[In the Supreme Court of the United States, October Term, 1971]

No. 71–1017, MIKE GRAVEL, UNITED STATES SENATOR, PETITIONER, v. UNITED STATES OF AMERICA; No. 71–1026, UNITED STATES OF AMERICA, PETITIONER, v. MIKE GRAVEL, UNITED STATES SENATOR

(On writs of certiorari to the United States Court of Appeals for the First Circuit)

BRIEF FOR THE UNITED STATES

Opinions below

Neither the original opinion of the court of appeals (Appendix A, Pet. No. 71–1026)[1] nor its opinion on rehearing (Pet. App. B) is yet reported. The Memorandum of Decision and Protective Order of the district court (Pet. App. D) is reported at 332F. Supp. 930.

Jurisdiction

The judgment of the court of appeals was entered on January 7, 1972. The petition for a writ of certiorari in No. 71–1017 was filed on February 9, 1972, and the petition in No. 71–1026 was filed on February 10, 1972; both were granted on February 22, 1972. The jurisdiction of this Court rests upon 28 U.S.C. 1254 (1).

Questions presented

1. Whether the Speech or Debate Clause of the Constitution (Art. I, Sec. 6) bars a grand jury from questioning aides of members of Congress and other persons about matters that may touch on activities of a member that are protected "Speech or Debate."

2. Whether the Clause bars a grand jury from questioning Congressional aides and other persons about private republication of material that a Congressman had introduced into the record of a hearing before a Congressional committee.

3. Whether Congressional aides have a common law privilege to refuse to testify before a grand jury about such republication.

Constitutional provision involved

Article I, Section 6 of the United States Constitution provides:

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Statement

Late in the evening of June 29, 1971, Senator Mike Gravel of Alaska convened a public hearing of the Subcommittee on Buildings and Grounds of the Senate Public Works Committee and read aloud extensive portions of a classified study prepared by the Department of Defense, popularly called the Pentagon Papers,[2] which he had "unauthorizedly" (Pet. App. A, p. 18) obtained. At the close of the hearing, he placed the entire study, comprising some 7,000 pages of material in 47 volumes and bearing an overall defense security classification of TOP SECRET, SENSITIVE, in the public subcommittee record.

Earlier that day, Dr. Leonard S. Rodberg, a physicist and resident fellow at the Institute for Policy Studies in Washington, D.C., had been engaged as a staff member by Senator Gravel; he assisted the Senator in preparing for and conducting the subcommittee hearing. Thereafter, Dr. Rodberg assisted Senator Gravel in negotiating with several publishing firms for private republication of the study. An agreement was ultimately concluded with Beacon Press, of Boston, to publish a four-volume work entitled "The Senator Gravel Edition of the Pentagon Papers: the Defense Department History of Decision Making on Vietnam".

On August 27, 1971, a federal grand jury sitting in Boston, Massachusetts,[2a] subpoenaed Dr. Rodberg to appear as a witness. Dr. Rodberg moved to quash the subpoena, and Senator Gravel was allowed to intervene in support of the motion. Senator Gravel argued that Dr. Rodberg, as his legislative aide, was protected by the Speech or Debate Clause from any inquiry regarding the meeting of the subcommittee and efforts by Rodberg, on behalf of the Senator, to publish the study.

The district court denied the motions to quash. It ruled, however, that Senator Gravel's privilege under the Speech or Debate Clause limited the subjects about which the grand jury could question Dr. Rodberg. The court held that "the Speech or Debate Clause prohibits inquiry into things done by Dr.

Footnotes at end of article.

Rodberg as the Senator's agent or assistant which would have been legislative acts, and therefore privileged, if performed by the Senator personally" (Pet., App. D, p. 51). The court further ruled that the arrangement for private republication of the study by Beacon Press was not within the Senator's privilege and therefore that Dr. Rodberg could not refuse to testify before the grand jury concerning that matter. The court entered the following order (Pet. App. D at 52):

(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor about things done by the Senator in preparation for and intimately related to said meeting.

(2) Dr. Leonard S. Rodberg may not be questioned about his own actions on June 29, 1971 after having been engaged as a member of Senator Gravel's personal staff to the extent that they were taken at the Senator's direction either at a meeting of the Subcommittee on Public Buildings and Grounds or in preparation for and intimately related to said meeting.

While the district court proceedings were pending, a grand jury subpoena was served on Howard Webber, Editor of the Massachusetts Institute of Technology Press, with which ultimately unsuccessful negotiations for republication had been carried on. The district court issued a supplemental order staying both subpoenas. After notices of appeal had been filed, the court of appeals granted Senator Gravel's motion for a stay pending appeal and halted the grand jury's inquiry until further order.

Both sides appealed and the court of appeals affirmed the district court's order with modifications (Pet. App. A, pp. 31, 36–37).

The court of appeals rejected the government's argument that questioning before a grand jury about—as opposed to civil or criminal liability for—legislative conduct was not within the protection afforded to Speech or Debate.[3] The court reasoned that, even when there is no danger of criminal prosecution or civil liability, a legislator might be intimidated and harassed by questioning and could be hindered in performing his legislative responsibilities (*id.*, pp. 22–23).

The court next ruled that under the Speech or Debate Clause a grand jury could not inquire into a Congressman's antecedent conduct in obtaining information for use in a Congressional proceeding. The court stated: "allowing a grand jury to question a senator about his sources would chill both the vigor with which legislators seek facts, and the willingness of potential sources to supply them" (*id.*, p. 24). The court held, however, that the Clause does not cover private republication after the legislative speech (*id.*, pp. 24–28). But it ruled that a legislator causing such republication "may be protected from liability by a common law privilege" (*id.*, p. 28) akin to that of an executive official, citing *Barr* v. *Matteo*, 360 U.S. 564. The court then held, however, that this privilege means that a legislator "may not be questioned at all as to republication" (*ibid.*).

The court then turned to the questions whether, and to what extent, the Speech or Debate Clause and common law privilege protect persons other than members of Congress. Viewing "personal aides in whom he reposes total confidence" as "indispensable" to a Congressman, the court held that legislative aides are afforded the same protection as a Congressman himself with respect to events related to their responsibilities during their period of employment (Pet. App. A, p. 29). On the other hand, a legislative aide "is not protected from inquiry as to events unconnected with intervenor at the time of occurrence" (*ibid.*).

Finally, the court considered the claim of privilege by third parties dealing with a Congressman or his aides. Relying upon its interpretation of *United States* v. *Johnson*, 383 U.S. 169, the court held that "any person who dealt with a legislator with respect to speech or debate cannot be inquired of if the object is to attack the legislator's motives in speaking" (Pet. App. A, p. 29). On the other hand, the court ruled that such third parties could be questioned "as to their own conduct regarding the Pentagon Papers including their dealing with intervenor or his aides" (*id.*, p. 30).

The court entered the following order (as modified in its decision on petition for rehearing):

(1) No witness before the grand jury recently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor, if the questions are directed to the motives or purposes behind the Senator's conduct at that meeting, about any communications with him or with his aides regarding the activities of the Senator or his aides during the period of their employment, in preparation for and related to said meeting.

(2) Dr. Leonard S. Rodberg may not be questioned about his own actions "in the broadest sense, including observations and communications, oral or written, by or to him, or coming to his attention" while being interviewed for, or after having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment. [Pet. App. C, pp. 36–37.][4]

Summary of argument

I

Article I, Section 6 of the Constitution provides that "Senators and Representatives * * * for any Speech or Debate in either House * * * shall not be questioned in any other place." This language is precise in protecting only members of Congress themselve and its limited scope cannot be attributed to inadvertence or a failure to foresee the modern roles of legislative aides, since the framers knew that there would be employees of the Houses of Congress who might have been protected and were aware that the privilege against arrest, contained in the same clause, had been extended to servants and family members at an earlier time in England.

The privilege of freedom of speech of the English Parliament extended only to members of Parliament. The Parliamentary privilege against arrest, which had earlier reached servants and family members, had been sharply cut back to protect only members of Parliament by 1769, and the language of Article I, Section 6 represented an attempt to avoid the abuses that had arisen from the extended privilege. *Thomas Jefferson's Manual of Parliamentary Practice* of 1801 explained: "It was probably from this view of the encroaching character of privilege that the framers of our Constitution * * * have only privileged Senators and Representatives themselves * * *."

This Court's decisions strongly support the position that the Speech or Debate Clause does not reach those who are not actually members of Congress. In *Kilbourn* v. *Thompson*, 103 U.S. 168, and *Powell* v. *McCormack*, 395 U.S. 486, the Court held that members were exempt from suit under the Clause but that employees were not so protected. In *Dombrowski* v. *Eastland*, 387 U.S. 82, the Court similarly found a member of Congress, the chairman of a subcommittee, not subject to a civil action, while holding that the action against an employee, the counsel to the subcommittee, could proceed to trial. Since the chairman and the counsel obviously had a close working relationship, it was inevitable that at trial questions relating to the Senator's conduct would be asked, yet the Court did not suggest any limits to the kinds of questions that might be asked. In all three of these cases, and particularly in *Dombrowski* v. *Eastland*, the possible reasons for extending the protection of the Clause were essentially the same as those advanced by Senator Gravel in this case, and in all three they were rejected as insufficient to support an extension.

An analysis of the reasons behind the Clause, the degree of immunity necessary for legislative aides, and the strong social interest in full grand jury inquiry into criminal activity confirm the wisdom of this Court's decisions. The main function of the Clause is to protect members from liability arising from speech and debate, and inquiry of aides and private persons does not affect that. Nor does it interefere substantially with the member's work. Although it may conceivably result in some "embarrassment," that is not a sufficient basis for immunity, particularly since members are constantly subject to such embarrassment from private inquiry and criticism. Unlike the member himself, who is responsible to an electorate and can be disciplined by a House of Congress, the aide is subject to neither of these restraints on improper action.

The privilege asserted by Senator Gravel would reach a large number of assistants to members of Congress and might be subject to abuse. It could be asserted in many circumstances in which any interest in protecting the legislative process would be exceedingly remote. We believe that legislative aides do enjoy an immunity from civil liability coextensive with that of officials of the executive branch, cf. *Barr* v. *Matteo*, 360 U.S. 564. This immunity has been considered sufficient to ensure the proper performance of public responsibilities, and we perceive no basis for granting legislative aides a broader immunity from criminal liability and inquiry. *A fortiori*, no such immunity should be extended to third persons who happen to be dealing with a Congressman or his aides.

II

1. The Speech or Debate Clause protects only "Speech or Debate in either House" and does not provide any immunity for private republication of such speech or bedate. The purpose of the Clause is to insure members' freedom of debate. The large number of issues Congress must now consider and the complexity of the problems it faces means that the members must place considerable reliance in performing their legislative functions upon information and discussion in committee reports and, insofar as it records things actually said in either House, upon the Congressional Record. It is presumably for this reason that the Speech or Debate Clause covers these two categories of Congressional documents.

The private republication of the Pentagon Papers was not a part of or necessary to "Speech or Debate in either House" and has no valid relationship to the functioning of Congress in the area of Speech or Debate. It was not intended to aid the members of Congress in performing their legislative duties but to make available to the public information which, as the court of appeals characterized it (Pet. App. 18), came into Senator Gravel's hands "unauthorizedly" but which he believed the general public should see.

The Speech or Debate Clause should not be extended to cover the distribution of protected Speech or Debate through private republication which a member has undertaken without official approval. The Clause does not cover all acts customarily done by a congressman but only those that are a part of Speech or Debate. *United States* v. *Johnson*, 383 U.S. 169, 172.

2. The English parliamentary privilege, on which the Speech or Debate Clause was based, did not cover republication. From the

Footnotes at end of article.

first case which so held in 1698 until the middle of the 19th century, the privilege did not cover republication of Parliamentary speeches. It was only as a result of an 1840 statute that a privilege was created for the publication of papers pursuant to an order of a House of Parliament. The American authorities, although they are few, similarly reject any privilege for republication of protected Speech or Debate.

3. The court of appeals also ruled that legislative aides have an immunity from testifying before a grand jury about republication by analogy to the absolute immunity executive officers have for torts committed in the performance of their official duties. Cf. *Barr* v. *Matteo*, 360 U.S. 564. The latter immunity, however, is solely from liability for damages or perhaps from injunctive relief. It rests upon the policy consideration that, without such immunity, government officials might be deterred by the threat of damage suits from vigorously performing their duties. Legislative aides are unlikely to be similarly deterred because of the possibility that they may have to testify before a grand jury. We know of no case immunizing executive officials from having to appear before a grand jury, and there is no reason why legislative aides should have a greater privilege. Legislative aides, like everyone else, should perform the duty of all citizens to testify before a grand jury about any matter of which they have knowledge.

4. Even if the Speech or debate Clause or legislative immunity permits a legislative aide to avoid testifying before a grand jury about republication of protected Speech or Debate, that immunity does not extend to third persons whose only possible connection with the legislative process was that they were negotiating for or handling the republication. Those persons were not performing essential aspects of the legislative process on behalf of "Senators or Representatives," so that making the immunity of the latter effective requires that it be extended to the former. Nor is a member of Congress "being questioned" about his "Speech or Debate" when third persons are questioned about their dealings with him or his aide.

Argument

I—The speech or debate clause does not limit a grand jury's inquiry of congressional aides or third parties

The precise question whether a Senator may invoke the Speech or Debate Clause to foreclose grand jury inquiry of legislative aides, or of third parties who have dealt with the Senator or his aides, has never been decided by this Court; but the language of the Clause, the pre-Constitutional history of parliamentary privilege, the intent of the framers revealed in contemporaneous documents, this Court's decisions with respect to the protection afforded Congressional employees, and a sensitive assessment of the proper needs of members of Congress balanced against society's interest in ascertaining and punishing criminal activity, all indicate that a Senator's immunity from grand jury questioning about activities that may constitute "Speech or Debate" does not extend to persons other than himself.

This does not mean that legislative aides are without the protection of any privilege; we believe that in their legislative work they should enjoy an official immunity as broad as that of responsible executive officials (see *Wheeldin* v. *Wheeler*, 373 U.S. 647; cf. *Barr* v. *Mateo*, 360 U.S. 564). This privilege would protect against liability for civil damages arising from their performance of their duties for a legislator. But the protection afforded members of Congress with respect to speech and debate against criminal liability and inquiry concerning criminal guilt is an extraordinary one not shared by other government officials, except perhaps the President himself; its extension to aides is not required to enable members themselves or their aides properly to perform their duties; and such an extension to bar grand jury inquiry into possible criminal activity would constitute an unwarranted interference with the vital functioning of the grand jury, "a great historic instrument of lay inquiry into criminal wrongdoing" which has long held a central place in "the federal constitutional system" (*United States* v. *Johnson*, 319 U.S. 503, 512, 513) and which "'has a right to every man's evidence'" (*Piemonte* v. *United States*, 367 U.S. 556, 559, n. 2).

A. *The Language of the Clause.* Article I, Section 6 of the Constitution provides:

> The Senators and Representatives * * * shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective House, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Though there may be room for argument as to what activities are covered by the phrase "Speech or Debate in either House," the Clause is linguistically precise as to the persons who enjoy its protection: only "The Senators and Representatives." Nonetheless, it is argued that the business of Congress has become much more complex, requiring, as it did not in 1787, professional assistants to members of Congress, and that the limited language should not preclude extension to those who assist the members in their duties. Even if this argument had force, it would not support the extension of the Clause by the court below to bar inquiry of private third parties. There was as much chance in the late eighteenth century as there is now that a grand jury investigation of possible criminal activity by private persons might include inquiry that would touch peripherally on the "motives or purposes behind the Senator's conduct" (See order of court of appeals, p. 7 *supra*). Had the framers wished to foreclose questioning of anyone about matters touching on a member's speech or debate, they would presumably have chosen language quite different from "The Senators and Representatives * * * shall not be questioned in any other Place."[5]

Nor, with respect to legislative aides, can the limited scope of the constitutional language be explained away by reference to changed legislative practices. Certainly it was contemplated in 1787 that the Houses of Congress would have paid employees—as the Houses of Parliament and the colonial legislatures had for many years—and it was foreseeable that legal actions or inquiries directed at these employees might reflect on the activities of the members. Thus there was a class of persons then for whom the rationale for protection was markedly similar to that advanced now for legislative aides; yet the language was narrowly drawn to reach only Senators and Representatives.

Moreover, as is reflected more fully in the history summarized in the following sections, the framers were aware of arguments that the privilege against harassment through arrest could be made more fully effective if it extended to family members and servants; yet the Clause quite clearly does not give them a privilege from arrest. Thus, the Clause's limitation to Senators and Representatives can not be attributed simply to a lack of foresight concerning the modern roles of legislative aides. The framers made a deliberate choice not to extend the privileges against arrest and guarding speech and debate to cover every individual to whom the underlying rationales might conceivably reach. They recognized that extraordinary privileges carry some social cost, and they declined to extend the coverage of the Clause beyond Senators and Representatives, for whom direct protection was most essential.

Footnotes at end of article.

B. *Pre-Constitutional History.* The historical development of the English parliamentary privilege for speech and debate (see generally *United States* v. *Johnson*, 383 U.S. 169, and the brief for the United States in that case (No. 25, October Term 1965, pp. 19–24)) sheds little direct light on its possible applicability to legislative aides, but the history of the cognate privilege from arrest strongly reinforces our view that the framers of our Constitution deliberately decided not to extend either privilege further than to the members themselves.

The privilege of freedom of speech within Parliament developed as an aspect of the "long struggle for parliamentary supremacy" (*United States* v. *Johnson*, 383 U.S. 169, 178) vis-a-vis the Crown. It was asserted in response to the fear, derived from painful historical precedent, that speeches made in Parliament would be the basis for summary imprisonment or other persecution of a member who offended the King, and for royal intervention into the proceeding of Parliament. A crucial aspect of the privilege was the exclusion of strangers from Parliamentary debates, since strangers might report the words of a member to the King. "So long, therefore, as the Commons were obliged to protect themselves against the rough hand of the prerogative, they strictly enforced the exclusion of strangers." (1 May, *The Constitutional History of England* 1760–1860 (1912 ed.) 327–385). Since the privilage related peculiary to the protection of members against royal punishment for words that displeased the Crown, there was little or no occasion on which the privilege of freedom of speech might have been asserted on behalf of nonmembers; and that privilege was not claimed on their behalf.[6]

In contrast to the parliamentary privilege of speech, the cognate privilege against arrest did clearly apply to certain nonmembers at some stages of its history, but underwent considerable contraction before the Constitution of this country was adopted, and as indicated above, the language of the Clause in our Constitution respecting both freedom from arrest and freedom of debate represents a deliberate choice for a limited rather than expansive privilege.

The privilege against arrest was first noted in the statues of 5 Henry IV (1403), which provided that members of Parliament and their servants were immune from arrest during the time Parliament was sitting, and shortly before and after.[7] As the power of Commons grew, however, the scope of this privilege widened. Immunity was extended beyond members and their servants to their family and estates. These extensions led to such abuses that "[p]rivilege thus became a menace to the rights of the individual, who was deprived in this fashion of his ordinary common law remedy" Wittke *op. cit., supra*, 41.

For example, in the name of privilege, members of Commons and their servants were declared to be outside the reach of the common law courts during the time that Parliament was sitting. This led to the sale of "protections" issued under the seal of particular members, providing in effect that named persons were servants of the member and should be free from arrest, imprisonment and molestation during the term of Parliament.[8] Additionally, using the privilege of its members from civil arrest or molestation, Commons successfully asserted the power to punish trespass on the estates of members, theft of their goods or those of their servants and the arrest of their servants.[9]

After the Restoration, efforts were made to eliminate these abuses. Thus, by 1700, legal actions against members of Parliament and their servants could be brought at almost any time when Parliament was not in session (12 and 13 William III, c. 3). In 1769 the statute of 10 George III, c. 50, removed from servants the protections that they had theretofore en-

joyed. That law provided that anyone could commence or prosecute an action or suit against any member of Parliament, his family, or his servants; that a member was not immune from service of process; and that in no way could an action be stayed, dismissed, or delayed on the basis of a claim of Parliamentary membership. The sole exception thereto was provided in Sec. 2:

[T]hat nothing in this Act shall extend to subject the person * * * *of any of the [members]* * * * to be arrested or imprisoned *upon* any such suit or proceedings. [Emphasis added.] [10]

This provision was enacted eighteen years before our Constitution was adopted, and the framers presumably were aware of the contraction of the privilege against arrest that it represented.

We do not suggest that this pre-Constitutional English history [11] is, by itself, dispositive of the issue of the applicability of our Speech or Debate Clause to legislative aides. But, when read in light of the constitutional language and contemporaneous statements, it leaves no doubt that the framers did not inadvertently refer only to Senators and Representatives. They consciously rejected creating a privilege on behalf of other persons whom legislators from time to time might wish to bring within the ambit of their own protection.

C. *The Intent of the Framers.* Since Article I, Section 6 of the Constitution was approved at the Constitutional Convention without discussion (5 *Debates On The Adoption of the Federal Constitution* (Elliot ed. 1845) 378, 406; *United States* v. *Johnson, supra,* 383 U.S. at 177), its precise boundaries are not marked out by any explicit legislative history. Reference to relatively contemporaneous materials, however, confirms the conclusion drawn from the language itself and the pre-Constitutional development of Parliamentary privilege that a conscious choice was made not to extend the Clause to persons other than the members of Congress themselves.

The framers' awareness of the value of uninhibited legislative speech is evidenced by their approval of the Clause,[12] but they were also cognizant of the abuse of parliamentary privilege and they feared legislative excess. Madison cautioned that "[t]he legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex." *The Federalist* No. 48 (Bourne ed. 1914) 339. He argued that specific barriers should be erected against abuse of power by Congress (*id.* 338–343). In a similar vein, Jefferson wrote to Madison in 1789 that "[t]he tyranny of the legislatures is the most formidable dread at present and will be for long years." *Tenney* v. *Brandhove,* 341 U.S. 367, 375 n. 4; See also *United States* v. *Brown,* 381 U.S. 437, 443, 444.

That the limitation, in Art. I Sec. 6, of the freedom from arrest and freedom of speech or debate to "Senators and Representatives" was deliberate in perhaps most clearly indicated in *Thomas Jefferson's Manual of Parliamentary Practice* of 1801. After tracing the growth of English parliamentary privilege "for centuries with a firm and never-yielding pace," he observed (Sec. III):

It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, *have only privileged "Senators and Representatives" themselves* from the single act of "arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same and *from being questioned in any other place for any speech or debate in either House.*" [Emphasis added; S. Doc. No. 1, 90th Cong., 1st Sess., pp. 383–384.]

D. *Judicial Decisions On The Meaning of the Speech and Debate Clause.*[13] The precise questions presented by this case are novel, but this Court has considered the Speech or Debate Clause in other contexts and its decisions strongly support the interpretation of the Clause we urge. It is useful in approaching the relatively few decisions of this Court which have involved the Clause to have firmly in mind the central thrust of Senator Gravel's position. It is that if aides do not enjoy a privilege coextensive with that of the members for whom they work, inquiry directed at an aide may serve as a way of questioning the member's conduct and embarrassing him, and as a way of impairing the member's performance of his duties through harassment and possible inhibition of the aide. The crucial point of this discussion is that these same contentions were equally applicable to the related problems with which this Court has dealt, and they have been implicitly rejected as insufficient to sustain extension of the coverage of the Clause to persons other than Senators and Representatives.

In two suits brought to correct erroneous Congressional action in which members of Congress were joined with employees of Congress as defendants, this Court has, while dismissing the suits as to the Congressmen, sustained jurisdiction over the employees and decided the cases on the merits adversely to the Congressional position.

The first of these cases, *Kilbourn* v. *Thompson,* 103 U.S. 169, was this Court's original opportunity to consider the Speech or Debate Clause, There, a committee of the House had been investigating certain real estate activities and subpoenaed the plaintiff Kilbourn to testify; he refused. The House then ordered him jailed for contempt. After being released on a writ of habeas corpus, Kilbourn filed suit against the committee members and the sergeant-at-arms for false imprisonment. This Court held that although the Speech or Debate Clause protected the House committee members, the sergeant-at-arms could be held liable. In support of that decision, the Court cited language from *Stockdale* v. *Hansard,* 9 Ad. & E. 1, 114, 112 Eng. Rep. 1112, 1156 (1839) (see *infra* at p. 48), refusing to extend the parliamentary privilege of freedom of speech to non-members; and this Court observed (103 U.S. at 202):

"Taking this to be a sound statement of the legal effect of the [English] Bill of Rights and of the parliamentary law of England, it may be reasonably inferred that the framers of the Constitution meant the same thing by the use of language borrowed from that source."

In *Powell* v. *McCormack,* 395 U.S. 486, decided nearly 90 years after *Kilbourn,* this Court, again without dissent on the point, reached the same conclusion that the Clause does not protect Congressional employees.[14] Congressman Powell brought suit against five members of the House, the Speaker, the Clerk and the Doorkeeper seeking an injunction to restrain them from executing a resolution to deprive him of his House seat. While the Court found that the legislators were protected from suit under the Clause, it held that the legislative employees were amenable to judicial action (395 U.S. at 504):

"The Court first articulated in *Kilbourn* and followed in *Dombrowski* v. *Eastland* the doctrine that, although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employees who participated in the unconstitutional activity are responsible for their acts.[15]"

In stating the reasons for this difference in treatment, the Court said (395 U.S. 505–506):

The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. A legislator is no more or no less hindered or distracted by litigation against a legislative employee calling into question the employee's affirmative action than he would be by a lawsuit questioning the employee's failure to act. * * * Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves. In *Kilbourn* and *Dombrowski* we thus dismissed the action against members of Congress but did not regard the Speech or Debate Clause as a bar to reviewing the merits of the challenged congressional action since congressional employees were also sued. * * *

In *Dombrowski* v. *Eastland,* 387 U.S. 82, decided two years prior to *Powell,* this Court also distinguished the immunity of members of Congress from the possible immunity of those who assist them. That case involved a civil action against the chairman and counsel of the Internal Security Subcommittee of the Judiciary Committee of the Senate who, plaintiffs claimed, had conspired with state officials to seize property and records of petitioners in violation of the Fourth Amendment. The Court, *per curiam,* affirmed the dismissal of the suit against the Senator because the "record does not contain evidence of his involvement in any activity that could result in liability," since "[i]t is the purpose and office of the doctrine of legislative immunity, having its roots as it does in the Speech and Debate Clause of the Constitution * * * that legislators engaged 'in the sphere of legitimate legislative activity' * * * should be protected not only from the consequences of litigation's results but also from the burden of defending themselves." (387 U.S. at 84–85). Nevertheless, the Court held that, as to Mr. Sourwine, counsel for the subcommittee, there was a sufficient factual dispute to warrant a trial, stating:

This Court has held, however, that this doctrine [of legislative immunity] is less absolute, although applicable, when applied to officers or employees of a legislative body, rather than to legislators themselves. * * * [387 U.S. at 85].

Although the Court did not say explicitly that the activities of the subcommittee chairman or counsel were within the precise scope of Speech or Debate, the statement that the doctrine of "legislative immunity," which has "its roots * * * in the Speech or Debate Clause," was applicable, though less absolutely, to legislative employees might be taken to imply that the Clause does cover employees.[16] Any possible doctrinal implications of this kind were put to rest by the subsequent and more extensive opinion in *Powell,* which rejects the assertion that the protections of the Clause reach employees.[17]

What *Dombrowski* v. *Eastland* held, however, remains of great significance for this case. That the subcommittee chairman and the chief counsel to the subcommittee had a close working relationship is revealed by the record in that case and is a matter of common knowledge. Given the undisputed facts in that case (see Statement in Brief for Respondents in *Dombrowski*), it could not be doubted that if the action against Mr. Sourwine for damages and injunctive relief proceeded to trial, not only was it possible that actions authorized by Senator Eastland might be subject to scrutiny, it was virtually inevitable that Mr. Sourwine's contacts with the Senator would become a part of the record. Yet this Court did not, as a consequence, immunize Mr. Sourwine from liability or from describing his own activities nor did it suggest or even intimate that some areas of relevant questioning might be foreclosed because they might touch on the con-

Footnotes at end of article.

duct and motives of Senator Eastland. That Senator Gravel should not be able to protect. Dr. Rodberg and private third parties from grand jury inquiry into possible violations of the criminal law follows a *fortiori* from the Court's refusal to protect against inquiry in the context of a civil suit.

Although this Court has never passed specifically on the relevance of the Clause to inquiry of private persons who have dealings with a member of Congress, it follows that if the Clause cannot be aserted on behalf of employees it is also not applicable to private persons. In *United States* v. *Johnson*, 337 F. 2d 180, the Fourth Circuit reached just this conclusion. Although it held that a Congressman could not be convicted of a conspiracy involving the making of a speech on the floor of the House, the challenge of Johnson's non-member co-defendants to the conspiracy charge was rejected since "none of the privileges of Article 1, section 6 pertain to the defendants who are not members of Congress * * *" (337 F. 2d at 192).[18]

E. *The Degree of Immunity Needed for Effective Functioning of the Legislative Process.* A careful assessment of the reasons behind the Speech or Debate Clause, the competing social interest in full grand jury inquiry into criminal activity, and the degree of immunity necessary for legislative aides and employees to function effectively confirm the wisdom of this Court's holdings in *Kilbourn, Powell* and *Dombrowski* v. *Eastland* and demonstrate the unwarranted expansiveness of the positions urged by Senator Gravel and adopted by the court below in this case.

The history of the parliamentary privilege of freedom of speech shows that the primary purpose it served was to protect against Crown actions, such as summary imprisonment, directed at offending speakers, and there can be little doubt that the main function of the provision that "Senators and Representatives * * * for any Speech or Debate in either House * * * shall not be questioned in any other Place" is to immunize legislators from civil and criminal liability for activities within the scope of the Clause. But the Clause does more than guard against substantive liability. It is designed "to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions" (*Powell* v. *McCormack*, 395 at 505), and it protects them "not only from the consequences of litigation's results but also from the burden of defending themselves" (*Dombrowski* v. *Eastland*, 387 U.S. at 82). It is also possible that the Clause has the effect of reducing the chance that a member of Congress may be embarassed by inquiry into his activities, although he is, of course, subject to similar embarassment as a consequence of private inquiry and criticism.

Simply to enumerate the protections of the Speech or Debate privilege is to suggest how attenuated are the arguments for coverage of persons other than members of Congress. The member himself is obviously not directly affected by the possible liability of aides or private persons. At the most it could be said that liability might make it more difficult for the member to hire and keep effective aides, but that is far removed from the degree of interference caused if the member himself is subject to liability. Similarly, inquiry of aides and private persons does not divert the member from his duties, though the required expenditure of time by an aide may involve a minimal interference with the operations of his office. It is true that embarrassment may conceivably be caused by questions that reveal the "motives or purposes" behind a member's conduct, but that hardly seems a sufficient justification for an absolute bar to such questions, particularly before a grand jury, where the proceedings are secret. In short, the privilege for members themselves is much more crucial for a fearless and independent legislature than any conceivable privilege extended to nonmembers.

We reiterate that the Speech or Debate Clause creates an extraordinary privilege for members of Congress; its protection against criminal liability and inquiry is not shared by executive officials or judges.[19] One reason this expansive protection is tolerable is because members of Congress are subject to special kinds of scrutiny. They are responsible to their constituents and subject to continuing criticism, and they may be voted out of office if their official actions are found wanting. Moreover, they are subject to the discipline of their own Houses. "Each House may * * * punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member." (U.S. Const., Art. I, § 5). That aides of individual members are not directly responsible to an electorate and very probably are not subject to Congressional discipline are powerful reasons for not extending to them the unique immunity from criminal liability and inquiry of the Speech or Debate Clause.

This conclusion is further buttressed by a consideration of some of the circumstances in which the position of Senator Gravel and the court below could bar effective grand jury investigation. It could easily prevent discovery of the criminal guilt of private third parties when neither the member nor his aide is even suspected of wrongdoing. Suppose the aide of a Senator opposing legislation is offered forged papers, which the aide is told are genuine, that appear to establish a damaging relationship between some Senators supporting the legislation and companies that would benefit from its passage. After the aide has obtained the papers, the Senator makes use of them in a speech against the legislation. Subsequently, the possibility of a forgery comes to light. The holding of the court below would permit the Senator to immunize his aide from answering grand jury questions about any contacts with the producer of the forged papers, since these occurred in the course of the aide's employment.[20] Such a result would produce a gross distortion of the Speech or Debate Clause.

Suppose, instead, the aide learns that the papers are forged but is bribed to conceal this knowledge from the Senator. Again, since the Senator is interested in the papers and their receipt relates to the aide's legislative duties, the holding of the court below would immunize the aide from inquiry and liability, at least if the Senator sought such immunization. Yet, to put in the hands of a single Senator the possible criminal liability of an aide performing clearly corrupt and unauthorized acts seems far removed from the constitutional clause.[21]

Nor would the situation be fundamentally different if the Senator himself had conspired with his aide and a private person to produce the forged papers. His own privilege of freedom from criminal liability and inquiry is sufficient to protect the proper functioning of the legislative process; it should not be extended to all those caught up in the criminal enterprise. See *United States* v. *Johnson*, 337 F. 2d 180, 192 (C.A. 4), affirmed on another issue, 383 U.S. 169.

Senator Gravel's argument does not involve merely a modest extension of the Clause to a relatively few individuals. Many Senators and Congressmen have very sizeable staffs in which a substantial number of aides are doing work arguably related to speech or debate. It would be extraordinarily difficult to differentiate persons on committee staffs who work closely with particular members, and may even function like personal aides in some contexts, from those who are formally part of a member's staff. Neither the court below nor Senator Gravel attempts to draw distinctions based upon the peculiar position of trust a particular aide may occupy or upon the special importance to the legislative process of a particular kind of work related to speech or debate. We, too, doubt the viability of any line based on such distinctions; but for us that merely reinforces the soundness of the principle that only members themselves enjoy the unique protections of the Speech or Debate Clause.

Moreover, the sweeping privilege here asserted might be abused by members to protect those not closely related to their functioning. That possibility is suggested not only by the English history regarding the Parliamentary privilege against arrest, but also by the fact in this case that Senator Gravel hired Dr. Rodberg on the day he made public the Pentagon Papers.

We believe that legislative aides enjoy a substantial immunity from damage suits, but we find no persuasive reason why it is required for the effective performance of Congress that those attached to members be extended an immunity that is unparalleled in the coordinate branches. This Court early held that judicial officers are immune from actions for civil damages caused by their judicial acts, *Bradley* v. *Fisher*, 13 Wall. 335, and more recently has ruled that officals of the executive branch of government are likewise absolutely immune from civil damage claims for "action * * * taken * * * within the outer perimeter of [the] line of duty," *Barr* v. *Matteo, supra*, 360 U.S. 564, 575. It has never been suggested, however, that executive officials or judicial officers need be wholly free from criminal liability or from responding to grand jury inquiries about all matters relating to their employment. We agree with this Court's suggestion, *Wheeldin* v. *Wheeler*, 373 U.S. 647, 650, 651, that legislative aides may enjoy an immunity from damage suits like that of executive officials. That immunity has been deemed a sufficient protection for the exercise of the duties of executive and judicial officers and we perceive no special justification for granting a special immunity against grand jury inquiry and criminal liability to legislative aides (see discussion, *infra*, pp. 51–54).

Thus a consideration of the possible need for immunity indicates—what the language and history of the Clause and its judicial interpretation show—that legislative aides and private persons are not, and should not be, protected by the Clause from legitimate grand jury inquiry into possible criminal acts.

II—The Speech or Debate Clause Does Not Cover Private Republication of Protected Speech or Debate

The Speech or Debate Clause protects only "Speech or Debate in either House." It does not provide any immunity for private republication of such Speech or Debate. The Clause in terms does not extend beyond the making of a speech or the engaging in debate by a member within the confines of the Houses of Congress themselves; it provides only that *members* cannot be questioned elsewhere "for" any Speech or Debate in either House. There is nothing in the Clause that supports Senator Gravel's contention that the Clause also protects the private republication by nongovernment agencies of a member's Speech or Debate, and the court of appeals correctly rejected it.

That private republication is beyond the scope of the Speech or Debate Clause is shown by the following considerations: (1) Such immunity is unnecessary to the proper performance of the duties of members of Congress. (2) the English parliamentary privilege, from which the Speech or Debate Clause was drawn, does not cover republication. (3) The American authorities similarly have not so extended the Clause. (4) Any legislative privilege which may exist for con-

Footnotes at end of article.

gressional aides protects them only against tort liability and perhaps against injunctive relief; it does not immunize them from either criminal prosecution or testifying before a grand jury. (5) Finally, any possible privilege that congressional aides might have against giving grand jury testimony with respect to private republication of protected Speech or Debate does not extend to third persons who participate in the republication, such as the representatives of the publishing firms with whom Senator Gravel or his aides negotiated for republication.

A. *Republication is Not Protected "Speech or Debate" Under the Clause.* The purpose of the Speech or Debate Clause, as developed in Point I above, is to give the members of Congress sufficient protection against liability for or questioning about certain of their legislative actions to insure that the threat or possibility thereof will not impede or inhibit them in the performance of their official duties. The Clause protects the members "for what they do or say in legislative proceedings," since "the legislature must be free to speak and act without fear of criminal and civil liability" (*Tenney* v. *Brandhove,* 341 U.S. 367, 372, 375). The immunity, however, does not cover everything done by a member in the performance of his legislative function; it covers only "Speech or Debate in either House." As the court of appeals recognized in this case (Pet. App. 23), the Clause "is intended to ensure freedom of debate"; cf. *United States* v. *Johnson,* 383 U.S. 169, 180–182.

Adequate debate on and informed consideration of pending legislation, as well as proper oversight of existing statutes, requires an informed legislature. The volume of business that Congress now transacts—involving a vast number of different subjects and increasingly complex and difficult problems—makes it impossible for each member to acquire personal knowledge of every aspect of every pending issue. Individual members necessarily must therefore rely to a great extent upon the hearings and reports of the committees which handle Congressional business in its early stages, and upon the debates on the floors of Congress.

Keeping the members of Congress informed about what happens in committees and on the floor thus is necessary to effective "Speech or Debate." It is presumably for this reason that, as the court of appeals noted (Pet. App. 22), the Clause has been interpreted as covering not only legislative speech and debate, but also the contents of committee reports "addressed to Congress." Presumably, the Clause also would cover the contents of the Congressional Record, at least insofar as it records things actually said in either House. See *McGovern* v. *Martz,* 182 F. Supp. 343, 347 (D. D.C.). It is appropriate that the Clause cover these two categories of Congressional publications because they are the means Congress has selected for informing its membership about its business.

But the private republication of the Pentagon Papers by the Beacon Press, pursuant to arrangements involving Senator Gravel and Dr. Rodberg, was not a part of or necessary to "Speech or Debate in either House." It involved no supplying to the members of Congress of information that they needed in performing their legislative duties. The contents did not relate to any pending Congressional business. The material was neither the product of a Congressional hearing, nor something supplied to Congress to be considered in connection with pending legislative business.

To the contrary, it was highly classified material which had been prepared by the Department of Defense for the executive branch of the government and which, as the court of appeals characterized it (Pet. App. 18), came into Senator Gravel's hands "unauthorizedly." Even its initial publication at the late evening hearing of Senator Gravel's subcommittee could hardly be said to have had any demonstrable relationship to the need of members of Congress for information related to pending legislative matters. Indeed, copies of the study had previously been supplied to the Congress under conditions that would give the membership access to the material while at the same time protecting its security classification.[22]

But, however one may characterize the propriety of Senator Gravel's initial publication of this material, the subsequent private republication cannot be viewed as having any valid relationship to the functioning of the Congress in the area of speech or debate. The republication by the Beacon Press, for general sale to the public, was not a part of and had no connection with any Congressional speech or debate, either on the floor of Congress or in committee. See *Hentoff* v. *Ichord,* 318 F. Supp. 1175, 1180–1181 (D. D.C.). It was intended not to aid the members of Congress in performing their legislative duties, but to make available to the public information which had come into Senator Gravel's hands and which he believed the general public should see.

The Chairman of the Senate Public Works Committee, to whom Senator Gravel, as chairman of the subcommittee, was responsible, apparently recognized that the republication was not necessary or appropriate to the proper performance of any legislative function, since he refused to authorize it.[22a]

Indeed, Senator Gravel makes no attempt to show that the republication of the Pentagon Papers had any meaningful relationship to the proper performance of the Speech or Debate function of Congress. Rather, his argument is that members of Congress have a duty to inform "the electorate about acts committed by the Executive and, specifically, with respect to Executive conduct in foreign relations" (Pet. No. 71–1017, p. 7); that the republication was a proper step in the performance of that duty; and that the Speech or Debate Clause broadly covers all aspects of this Congressional "informing function" (*id.,* p. 8).

The claim is a sweeping one. Senator Gravel does not argue that the material he was seeking to distribute through the republication was designed primarily to inform his own constituents or to tell them about his own actions. Instead, he asserts a right to "inform [the] electorate" generally about "Executive conduct in foreign relations." Indeed, Senator Gravel invites this Court to extend the Speech or Debate Clause to all things "generally done" by legislators (Pet. No. 71–1017, p. 7.)

But, as the court of appeals pointed out: "Our courts have expanded the privilege beyond the act of debating within Congress a proposal before it only when necessary to prevent indirect impairment of such deliberation" (Pet. App. 26). For example, it may be part of a Congressman's contemporary role to intercede with executive agencies on behalf of constituents; yet this Court has stated:

> No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is in no wise related to the due functioning of the legislative process. * * *
>
> [*United States* v. *Johnson,* 383 U.S. 169, 172] [23]

In contrasting intercession with executive agencies with "the due functioning of the legislative process," the Court—consistent with all prior interpretations of the Clause—was limiting its operation to conduct reasonably related to the law-making function of Congress.

Similarly, the fact that Congressmen customarily communicate with their constituents should not place such communication beyond scrutiny. It is not so closely related to "the due functioning of the legislative process" as to warrant constitutional immunity from "question[ing] * * * in any other Place."

Moreover, the republication here involved was not directed to Senator Gravel's constituents, but to the public generally. It was not authorized by either the chairman of the full Committee or by the Senate itself. Where the House or Senate approves republication of Committee reports or documents, as it sometimes does (cf. *e.g., Hentoff* v. *Ichord,* 318 F. Supp. 1175 (D.D.C.)), that approval at least reflects the view of the Chamber that it is an appropriate part of the legislative process to make further distribution of the material. The situation is quite different, however, when an individual member himself arranges for republication.

The provision of adequate information to the public could be adequately assured by giving legislative aides immunity from tort liability for republication of protected Speech or Debate—although such a privilege has not been generally recognized (see *infra,* pp. 49–51).

B. *The English Parliamentary Privilege, on Which the Speech or Debate Clause is Based, did not Cover Republication.*

As this Court has noted (*Tenney* v. *Brandhove,* 341 U.S. 367, 372–375; *United States* v. *Johnson,* 383 U.S. 169, 177–179), the Speech or Debate Clause was derived from and parallels the English Bill of Rights of 1689 (1 Wm. & Mary, Sess. 2, c. 2), which itself "was the culmination of a long struggle for parliamentary supremacy" (*Johnson, supra,* 383 U.S. at 178; see Point I, *supra*). Here again, in determining the scope of the Clause, it is appropriate to consider that history and the British decisions interpreting the comparable immunity, which the Bill of Rights gave for "Freedom of Speech, and Debates or Proceedings in Parliament." That history and those cases indicate, as the court of appeals held, that the members' privilege of speech did not cover "privately published reproductions of their parliamentary speeches" (Pet. App. 26).

Commons' claim of the privilege of freedom of speech arose as a response to claims of the Crown that such speech violated royal prerogative (See Brief for the United States, *United States* v. *Johnson,* No. 25, October Term 1965, pp. 19–24). In this context Commons sought privacy of debate, not publicity. We have already noted the Commons' assertion of the right to exclude strangers (who might be spies for the King) from debates (*supra,* p. 17–18). In 1628 and again in 1640 the clerk was forbidden to make notes of speeches or to "suffer copies to go forth of any argument or speech whatsoever"; and in 1641 Commons ordered "That no Member shall either give a copy, or publish in print anything that he shall speak here, without leave of the House" (May, *Parliamentary Practice,* (16th ed., 1957) 55). Repeated orders of the House forbidding publication of debates have never been rescinded, although they have fallen into disuse, and, since 1909, there has been an official report of debates (*ibid.*).

It is thus hardly surprising that the privilege of freedom of debate has never been thought by English courts to include republication. The first case dealing with republication was *Rex* v. *Williams,* 2 Show. K.B. 471, 89 Eng. Rep. 1048, decided in 1688. In that case the Speaker of the House of Commons was criminally prosecuted and fined 10,000 pounds for publishing a libel. His defense was that the publication was done in his official capacity and pursuant to order of the House. The court rejected this defense, ruling that an order of the House could not "justify the scandalous, infamous, flagitious libel."

Footnotes at end of article.

In *Rex* v. *Lord Abingdon*, decided in 1795, 1 Esp. N.P. Cas. 228, a member of the House of Lords was criminally prosecuted for privately republishing a libelous speech he had delivered on the floor of the House. His defense was that he had a right to print and publish what he had a right to deliver; the court ruled that his privilege to deliver the speech did not extend to private republication for his personal purposes. The result in *Abingdon* was foreshadowed by the earlier decision in *Williams*, since if even official republication directed by the House was not privileged, *a fortiori* private personal republication was not protected.

Thus, at the time the Constitution was drafted, the law in England was that any parliamentary privilege covering speech and debate on the floor did not extend to republication.

Senator Gravel argues (Pet. No. 1017, 15), however, that the "underpinning" of these and other early decisions "has been repudiated" and "their holding has not survived," and that at least since *Wason* v. *Walter*, L.R. 4 Q.B. 73 (1868), "the settled law in England is that the Parliamentary privilege protects a member who publishes a speech 'for the information of his constituents,' and that the privilege applies derivatively to the publisher." Although certain republications of Parliamentary debate are now privileged, that was the result not of any judicial decision repudiating the earlier cases but of (1) a statute and (2) a recognition of a newspaper's privilege fairly and accurately to report parliamentary proceedings.

The statute was the Parliamentary Papers Act of 1840, 3 and 4 Vict. c. 9.[24] It was the reaction of Parliament to the decision three years before in *Stockdale* v. *Hansard*, 9 Ad. & E. 1, 112 Eng. Rep. 1112 (K.B.), which had unequivocally denied a privilege for republication. In that case a publisher sued the public printer for damages based on a defamatory statement contained in a committee report on English prisons that the House of Commons had ordered printed. In an historic opinion that has been described as the final decision rejecting the claim of Parliament to a broad privilege for republication,[25] the court permitted recovery. It stated:

For speeches made in Parliament * * * that member enjoys complete impunity * * *. But if the calumnious or inflammatory speeches should be reported and published, the law will attach responsibility on the publisher. So, if the Speaker, by authority of the House, order an illegal Act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles' warrant for levying ship-money could justify his revenue officer. [9 Ad. & E. at 114, 112 Eng. Rep. at 1156.]

In *Wason* v. *Walter*, L.R. at 4 Q.B. 73 (1868), which Senator Gravel views as having "repudiated" the earlier decisions, the court held that an action for libel could not be grounded upon a newspaper's republication of a defamatory speech made on the floor. The ground of decision, however, was not that the Parliamentary privilege extended to republication, but that the republication was privileged by analogy to the rule protecting a newspaper's fair and accurate reporting of court proceedings. Indeed, the court in *Wason* pointed out that *Stockdale* had correctly rejected the claim that Parliamentary privilege covered republication. It stated (L.R. 4 Q.B. at 86–87):

From the doctrines involved in this defence, namely, that the House of Commons could by their order authorize the violation of private rights, and, by declaring the power thus exercised to be a matter of privilege, preclude a court of law from inquiring into the existence of the privilege—doctrines which would have placed the rights and liberties of the subject at the mercy of a single branch of the legislature—Lord Denman and his colleagues, in a series of masterly judgments which will secure to the judges who pronounced them admiration and reverence so long as the law of England and a regard for the rights and liberties of the subject shall endure, vindicated at once the majesty of the law and the rights which it is the purpose of the law to uphold.

To the decision of this Court in that memorable case we give our unhesitating and unqualified adhesion. But the decision in that case has no application to the present. The position, that an order of the House of Commons cannot render lawful that which is contrary to law, still less than a resolution of the House can supersede the jurisdiction of a court of law by clothing an unwarranted exercise of power with the garb of privilege, can have no application where the question is, not whether the act complained of, being unlawful at law, is rendered lawful by the order of the House or protected by the assertion of its privilege, but whether it is, independently of such order or assertion of privilege, in itself privileged and lawful.

C. *The American Authorities Indicate That the Clause Does Not Cover Republication.*

The American authorities, though they are scant, are in accord with the British decisions that the legislative privilege for speech and debate does not extend to republication. Thomas Jefferson recognized that the Speech or Debate Clause applies only "to things done in the House in a Parliamentary course. * * * For [a Member] is not to have a privilege *contra morem parliamentarium* to exceed the bounds and limits of his place and duty" (Jefferson, *Manual of Parliamentary Practice*, in S. Doc. No. 1, 90th Cong., 1st Sess., p. 388).

In his Commentaries on the Constitution Justice Story noted that the Speech or Debate Clause was intended to provide the same privilege that Parliament had, and that

This privilege is strictly confined to things done in the course of parliamentary proceedings, and does not cover things done beyond the place (a) and limits of duty. Therefore, although a speech delivered in the House of Commons is privileged, and the member cannot be questioned respecting it elsewhere, yet, if he publishes his speech, and it contains libelous matter, he is liable to an action and prosecution therefor * * * [Story, Commentaries, pp. 630–631].

McGovern v. *Martz*, 182 F. Supp. 343 (D.D.C.), involved claims for libel based, among other things, upon private printing and circulation of excerpts from the Congressional Record. The court held that although an absolute privilege covers material in the Record, there is only a qualified privilege for republication of the Record. It stated (p. 347):

But what of *re*publication? Should an absolute privilege exist to bar suits for defamation resulting from a Congressman's circulation of reprints or copies of the Congressional Record to non-Congressmen? The reason for the rule—complete and uninhibited discussion among [legislators] is not here served. Accordingly, the absolute privilege to inform a fellow legislator (either by way of speech on the floor or writings inserted in the Record) becomes a qualified privilege for the republication of the information.

See, also, *Long* v. *Ansell*, 69 F. 2d 386, 389 (C.A. D.C.), affirmed, 293 U.S. 76 (libel action based on printing and distributing copies of the Congressional Record containing reports of an allegedly libelous speech made on the floor of the Senate; "While the published articles were in part reproductions of the speech, the offense consists not in what was said in the Senate, but in the publication and circularizing of the libelous documents"); *Hentoff* v. *Ichord*, 318 F. Supp. 1175, 1180–1181 (D. D.C.) (the "further printing and public distribution [of a committee report] is not necessary to give effect to the freedom of Congressmen to speak and debate on and off the floor. The Speech or Debate Clause does not necessarily bar an action to enjoin the Public Printer from printing a committee report for public distribution").[26]

D. *Any Legislative Privilege That Congressional Aides Have Immunizes Them Only From Tort Liability and Perhaps Injunctive Relief, but not from Testifying Before a Grand Jury.*

The court of appeals ruled (Pet. App. 28) that, by analogy to the absolute immunity executive officers have for torts committed in the performance of their official duties (*Barr* v. *Matteo*, 360 U.S. 564), a member of Congress "may not be questioned at all as to republication," and that his aides enjoy a similar immunity.[27]

The conclusion the court drew from the analogy is unsound. *Barr* v. *Matteo* dealt solely with the tort liability of government officers, and the policy reasons upon which that immunity rests do not justify extending it to grand jury testimony. To the contrary, such an extension of the doctrines of official or legislative immunity would be inconsistent with the well-recognized "duty" of "[e]very citizen," including members of Congress and their aides, "of giving testimony to aid in the enforcement of the law" (*Piemonte* v. *United States*, 367 U.S. 556, 559, n. 2). To our knowledge, the doctrine never has been applied to bar a grand jury from questioning government officers. Its sole office has been to confer immunity from tort or (perhaps) from injunctive liability.

Suppose, for example, that a grand jury had been investigating the terminal leave payments to which the libel in *Barr* v. *Matteo* related, to determine whether they constituted a crime. Although Mr. Barr, the Acting Director of the government agency involved, was not civilly liable for the libelous press release he issued, he surely could not refuse to testify before the grand jury about the incident. The reason lies in the purpose of the immunity from tort liability recognized in *Barr*.

The immunity involved in *Barr* v. *Matteo*—and in the many similar decisions that preceded and have followed it—provides "a defense by officers of government to civil damages suits for defamation and kindred torts" (360 U.S. at 569; *id.*, p. 565). Its rationale is that it is "important that officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect of acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to governmental service and the threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government" (p 571). See, also, *Gregoire* v. *Biddle*, 177 F. 2d 579, 581 (C.A. 2), certiorari denied, 339 U.S. 949.

There is no comparable policy justification for giving Congressional aides immunity from testifying before a grand jury It is neither necessary nor desirable in order to encourage them to perform their duties properly. The possibility of being summoned by a grand jury, unlike the threat of personal tort liability, is unlikely to deter a legislative aide from performing his tasks vigorously and unhesitatingly. Nor is it likely that legislative aides would be called before grand juries with such frequency that it would impose unjustified demands upon their time; the situation would be different, however, if damage suits were permitted against government officers for alleged torts committed as part of their duties. Finally, the public interest in obtaining grand jury testimony of all persons who have knowledge of matters that the grand jury is investigating, whatever their official position, which

Footnotes at end of article.

supports the claim here, is weightier than the private interest of persons seeking financial redress for torts that government officers allegedly committed against them.

Although this Court has long recognized the immunity of members of the judicial and executive branches of the government from tort liability for official acts (*Bradley* v. *Fischer, supra,* 13 Wall. 335 (judge); *Spalding* v. *Vilas,* 161 U.S. 483 (Postmaster General)), we know of no case in which the immunity has been extended to excuse them from testifying before a grand jury. There is no reason why a different rule should be created for employees of the legislative branches, for whom this Court only recently suggested there may be a similar immunity from tort and injunctive liability (see *Wheeldin* v. *Wheeler, supra,* 373 U.S. 647; *Dombrowski* v. *Eastland, supra,* 387 U.S. 82).

In sum, there is no sound reason to create an immunity apart from the Speech or Debate Clause that would permit employees of the legislative branch to avoid the normal duty of all citizens to testify before the grand jury about any matter of which they have knowledge.

E. *Any Possible Privilege That Legislative Aides Might Have not to Give Grand Jury Testimony About Republication of Protected Speech or Debate Does not Extend to Third Persons who Participate in Such Republication.*

Even if, contrary to our submission, either the Speech or Debate Clause or a legislative immunity permits legislative aides to avoid testifying before a grand jury about republication of protected speech or debate, the immunity does not extend to third persons whose only possible connection with the legislative process is that they were negotiating for or handling the republication.

The language of the Clause, no matter how broadly it is construed, cannot fairly be read to cover such third persons. Those persons are not performing essential aspects of the legislative process on behalf of "Senators or Representatives," so that making the immunity of the latter effective requires that it be extended to the former. Neither Mr. Webber, the editor of the Massachusetts Institute of Technology Press with whom Senator Gravel or Dr. Rodberg had unsuccessful negotiations, nor officials of the Beacon Press, which ultimately handled the republication, were performing or effectuating the performance of any legislative function in their negotiations for the republication. Rather they were merely carrying on the private business of their own publishing organizations. Their activities were neither Congressional "Speech or Debate," nor a part of the legislative process.

Nor can it be said that Senator Gravel is "being questioned" when third persons are questioned about their dealings with him or his aide. The questioning that the Clause prohibits is questioning of the Senator or Representative, not questioning of other persons about their dealings with him.

The extension of immunity to such third persons is not necessary to make the Speech or Debate Clause privilege effective. It is far fetched to suggest that a member of Congress is likely to be deterred from doing his job properly because of the possibility that some third person with whom he has contact may be questioned by a grand jury about the matter.

If, as the court of appeals held in the *Johnson* case, 337 F. 2d 180 (C.A. 4), third persons may be criminally prosecuted for their dealing with a Congressman involving the performance of his legislative function, *a fortiori* they may be required to testify before a grand jury about such dealings.

Conclusion

The judgment of the court of appeals should be affirmed insofar as it permits inquiry of Dr. Rodberg, and of private persons who have dealt with Senator Gravel or his aides. The judgment should be reversed insofar as it restricts the questions that may be asked of Dr. Rodberg and other witnesses.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.
ROBERT C. MARDIAN,
Assistant Attorney General.
JEROME M. FEIT,
ALLAN A. TUTTLE,
Assistants to the Solicitor General.
ROBERT L. KEUCH,
WILLIAM M. PIATT,
Attorneys.

April 1972.

FOOTNOTES

[1] The references in this brief to "Pet. App." are to the petition in No. 71–1026.

[2] The facts and procedural history of this case are set out in the opinion of the court of appeals (Pet. App. A, pp. 18–19) and the opinion of the district court (Pet. App. D, pp. 38–39, 41–42).

[2a] The grand jury was investigating the following possible crimes: the retention of public property or records with intent to convert (18 U.S.C. 641), the gathering and transmitting of national defense information (18 U.S.C. 793), the concealment or removal of public records or documents (18 U.S.C. 2071), and conspiracy to commit such offenses and to defraud the United States (18 U.S.C. 371) (Pet App. A, p 19).

[3] Initially the court held that Senator Gravel as an intervenor could properly appeal from the refusal to quash the subpoenas directed to Rodberg and Webber, on the ground that he would have no other method of testing the validity of the subpoenas and that compliance with the subpoenas would irreparably injure him (Pet. App. A, pp. 19–20).

[4] Mr. Justice Brennan granted on January 24, 1972, a stay sought by Senator Gravel, thus leaving in effect the following order entered by the court of appeals on November 29, 1971:

"It is ordered that the grand jury may pursue its inquiry into crimes relating to the so-called Pentagon Papers, provided that neither Senator Mike Gravel nor any member of his staff or of the staff of the Subcommittee on Buildings and Grounds shall be subpoenaed to testify, and no witness shall be questioned concerning the acquisition, use, publication, or republication of the Pentagon Papers by Senator Mike Gravel or by any member of the staff as above defined, until further order of this court. The restraining order entered October 29, 1971 shall remain in full force in all other aspects until further order of this court."

[5] The language of the English Bill of Rights of 1689, 1 Wm. & Mary Sess. 2, c. 2, which this Court has recognized several times as an important source for the Speech or Debate Clause (*see, e.g., Kilbourn* v. *Thompson,* 103 U.S. 168, 202; *Tenney* v. *Brandhove,* 341 U.S. 367, 372; *United States* v. *Johnson,* 383 U.S. 169, 177–178) is much less precise about the persons to whom it reaches: "That the Freedom of Speech, and Debates or Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament." Similarly, Article V of the Articles of Confederation, an obvious possible model for the writers of the Constitution, is much less specific. It provides:

"Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrest and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, and breach of the peace."

Most of the colonies enacted specific legislation extending the related privilege of freedom from arrest to servants. Clarke, *Parliamentary Privilege in The American Colonies,* 113. Given the availability of the more general and open-ended language concerning speech and debate of the English Bill of Rights and the Articles of Confederation, and the specific colonial coverage of certain nonmembers in the related privilege against arrest, the precise words of the present Clause can hardly be assigned to caprice or inattentive draftsmanship.

[6] The case of Thomas Haxey (1397) has sometimes been cited as an early assertion of the privilege of freedom of speech, and Haxey may not have been a voting member of Parliament but a representative of the clergy attending Parliament, see Wittke. *The History of English Parliamentary Privilege,* 26 Ohio State Univ. Bull., No. 2, p. 24 (1921). Haxey was charged with treason and convicted for introducing a bill in the House of Commons criticizing expenditures of the royal household. With the accession of Henry IV, Haxey successfully petitioned the King in Parliament to reverse the judgment as being against the law and custom of Parliament. Several commentators have rejected the idea that the petition represented a claim of parliamentary privilege. J. E. Neale in *The Commons' Privilege of Free Speech in Parliament* (Tudor Studies, 1924) 259, in "lay[ing] the ghost of Haxey's case, which has troubled us too long," observed:

"In the first place privilege of free speech covers members alone * * *. Moreover, privilege was never a plea against a charge of treason; and in reality the petition in favour of Haxey was either grounded upon the irregularity of the trial * * * or it was grounded upon the contention that the offence was not treason."

See also Taswell-Langmead, *English Constitutional History* (11th ed., Plucknett, 1960), 175. In any event, even if, contrary to this interpretation, Haxey's case does have some bearing on the Parliamentary privilege of freedom of speech, it seems apparent that, whatever his precise formal status, by introducing the bill he functioned much like a member of Commons; and his case has little relevance for those who do not propose legislation, vote, or debate, but instead assist legislators in the performance of their duties.

[7] See Barrington, *Observation on The More Ancient Statutes* (4th ed. 1775) 375.

As in our Constitution, "treason, felony and surety [breach] of the peace" have always been exceptions to the immunity, May, *Parliamentary Practice* (16th ed. 1957) 68. Generally the immunity was limited to immunity from civil arrest, *Williamson* v. *United States,* 207 U.S. 425.

[8] Thus Wittke, *op. cit., supra,* 41 n. 75 observes: "One writer on this period came to the following conclusion: 'It has to be admitted that for no purpose was parliamentary privilege more valued than for escaping from payment of lawful debts' A. S. Turberville, *The House of Lords in the Reign of William III,* 77 (Oxford Historical and Literary Studies, 1913)."

[9] See Wittke, *op. cit., supra,* 41–43: Taswell-Langmead, *English Constitutional History* (11 ed. Plucknett, 1960) 321–322, 580–582.

[10] The nature of the problem and the solution afforded by this statute have been noted by an eminent commentator: "Members and their servants had formerly enjoyed immunity from the distress of their goods, and from all civil suits during the periods of privilege. Such monstrous privileges had been flagitiously abused; and few passages in Parliamentary history are more discreditable than the frivolous pretexts under which protections were claimed by members of both Houses, and their servants." 1 May, *The Constitutional History of England* (1912), 358. The same commentator has written:

"By the 10th Geo. III, c. 50, a very important limitation of the freedom of arrest was effected. Down to that time the servants of members had been entitled to all the

privileges of their masters [with certain minimal limitations] but by the 3rd section of the 10th Geo. III., the privilege of members to be free from arrest upon all suits, authorized by the Act, was expressly reserved; while no such reservation was introduced in reference to their servants. And thus, without any distinct abrogation of the privilege, it was, in fact, put an end to, as executions were not to be stayed in their favor, and their freedom from arrest was not reserved." May, *Treatise On The Law, Privileges, Proceedings, And Usage of Parliament* (7th ed. 1873) 130.

[11] The American Colonial experience in large measure tracked the English background including the protection of servants from arrest. See generally, Clarke, *Parliamentary Privilege in The American Colonies* (1943). This protection was cut back after the federal constitution was adopted until today only Virginia maintains the privilege on behalf of servants. See Va. Code (1950), § 30–4 to § 30–8. For a collection of the relevant state Constitutional provisions see *Tenney* v. *Brandhove*, 341 U.S. 367, 374–376.

[12] James Wilson stated the purpose of the speech or debate privilege as follows: "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offence." II Works of James Wilson (Andrews ed. 1896) 38, quoted in *Tenney* v. *Brandhove*, 341 U.S. 367, 373.

[13] The American case law on the constitutional immunity from arrest does not advance the inquiry because the clause has been involved in little litigation. This is in large measure due to the inherent limitations in the wording of the clause. From the earliest assertions of the privilege, "treason, felony and breach of the peace" were exceptions (see Note 7, *supra*). Essentially the immunity has been merely one from civil arrest (*Williamson* v. *United States*, 207 U.S. 425). And even in civil case a Congressman may be served with process (*Long* v. *Ansell*, 293 U.S. 76). While civil arrest was common in England and in America at the time of the adoption of the Constitution, it is no longer so. Thus, as the court observed in *Long* v. *Ansell*, 69 F. 2d 386, 388 (C.A. D.C.):

> That which at the time of the adoption of the Constitution was of substantial benefit to a Member of Congress has been reduced almost to a nullity.

[14] Mr. Justice Stewart, dissenting, considered the case moot. 395 U.S. at 559.

[15] In *Tenney* v. *Brandhove*, 341 U.S. 367, 378, in which state legislators were held not liable under a federal civil rights statute, the Court had affirmed the vitality of *Kilbourn*.

For a recent lower court case following *Kilbourn* and *Powell*, see *Stamler* v. *Willis*, 415 F. 2d 1365, in which the Court of Appeals for the Seventh Circuit reversed the dismissal of an action for injunctive and declaratory relief challenging the House Un-American Activities Committee, and remanded to permit the joinder of "appropriate [non-Member] agents of the House Committee" (415 F. 2d at 1368) so that effective relief might be granted if plaintiffs succeeded on the merits. See also *Hentoff* v. *Ichord*, 318 F. Supp. 1175 (D. D.C.).

United States Servicemen's Fund v. *Eastland*, Civil No. 1474–70 (D. D.C., decided October 21, 1971) in which the court, in an injunctive action, declined to order a subcommittee's counsel to answer certain questions posed by plaintiff seeking pretrial discovery, is not inconsistent with the basic principle of *Kilbourn* and *Powell*, or the position of the government in this case. The court did refer to a Senate resolution authorizing counsel to testify only as to matters of public record, declaring that there was no authority for the vulnerability to suit requires this Court to afford complete satisfaction of plaintiff's discovery requests when such discovery is specifically barred by a Senate resolution" (slip op. 4). But the court did not explicitly rest on the Speech or Debate Clause; it did not hold that Congress can immunize employees from all inquiry in civil suits, much less than one member of Congress can immunize his own employee from all inquiry in a criminal investigation.

[16] Respondents in *Dombrowski*, in a brief signed by the Solicitor General (No. 118, Oct. Term, 1966), had suggested such coverage, *Doe* v. *McMillan*, No. 71–1027, C.A. D.C., decided January 20, 1972, petition for certiorari pending, No. 71–6356, does apparently adopt such a construction of the Clause (see slip, op. 17–19). Since the decision in *Doe* turns substantially on the court's finding that the non-members were, in contrast to the situation in *Kilbourn*, "acting pursuant to valid legislative authorization" (slip. op. at 17), it is unclear what view the court would have taken had their acts been wrongful. In any event, the case involves a civil suit and the result is fully consistent with the interpretation of the Clause urged here, not only because the challenged acts of publishing and distributing the report of a House Committee on the District of Columbia school system was proper, but also because the officials sued were protected by an official immunity independent of the Speech or Debate Clause (see slip, op. 20–25).

[17] We, of course, agree with the opinion in *Dombrowski* v. *Eastland* that legislative employees do enjoy immunity, but one that is less absolute than that of legislators. Nor do we question that the presence of the Speech or Debate Clause is relevant to the determination whether legislative employees are privileged; it was also relevant to the determination of immunity of state legislators under the federal civil rights statute in *Tenney* v. *Brandhove*, 341 U.S. 367. Our submission is that the Clause itself does not confer immunity on employees.

[18] This court, in reviewing the decision, explicitly indicated that it was not passing on this third-party issue. *United States* v. *Johnson*, 383 U.S. 169, 172–173, n. 3.

[19] The privilege of executive officers not to give evidence which would jeopardize national security (*United States* v. *Reynolds*, 345 U.S. 1) or diplomatic relations (*cf. Totten* v. *United States*, 92 U.S. 105) is strictly "limited by its underlying purpose" (*Halpern* v. *United States*, 258 F. 2d 36, 44 (C.A. 2)). No executive official is exempt from subpoena. See *e.g., Marbury* v. *Madison*, 1 Cranch 137, 143–144; *United States v. Burr*, 25 Fed. Cas. 30, 34; *United States* v. *Smith*, 27 Fed. Cas. 1192; *Thompson* v. *German Valley R. Co.*, 22 N.J. Eq. 111, 113 (State Governor). If after appearing the executive official asserts the privilege, the court must weigh the claim of privilege against the need for the evidence, and assure itself that the claim is made in good faith (*United States* v. *Reynolds*, *supra*, 345 U.S. at 7–11). No court has recognized for executive officers a privilege such as that claimed by the Senator's aides, to refuse to answer any questions at all concerning their official duties.

[20] The court below does not make it clear whether the aide enjoys protection of the Speech or Debate Clause simply because of his status or only because his Senator has intervened on his behalf.

[21] It is no answer to say that the innocent Senator will have no reason to protect guilty third parties or aides. He may well not wish it to be established that he used forged papers, even innocently, and he might also fear that any branding of his aide as a criminal may reflect unfavorably on him.

[22] The conditions under which the material was supplied to Congress are stated in an affidavit of J. Fred Buzhardt, General Counsel of the Department of Defense and the attachments thereto. The affidavit was filed in the cases of *Moss* v. *Laird*, and *Fisher* v. *Department of Defense*, D.D.C., Civil Actions No. 1254–71 and 1865–71, and is reprinted in the appendix to this brief.

[22a] Transcript of Proceeding, September 10, 1971 (Dr. Rodberg's Motion to Quash Grand Jury Subpena), p. 52.

[23] The Court could not have been referring to corrupt or improperly motivated intercessions only, since, if intercessions are Speech or Debate, they would be protected, whether they are innocent or corrupt, *United States* v. *Johnson*, *supra*.

[24] Under this statute, all criminal and civil proceedings against persons for publication of papers printed by order of a house of Parliament were stayed upon the filing of an affidavit reciting such order. See *Wittke*, *op. cit., supra*, 155.

[25] May, *Parliamentary Practice* (16th ed., 1957) 58.

[26] *Methodist Foundation for Social Action* v. *Eastland*, 141 F. Supp. 731 (D.D.C.), upon which Senator Gravel relies (Pet. No. 1017, pp. 14, 16), involved an attempt to enjoin the printing as a Senate document of a subcommittee document whose printing the Senate had authorized. The court ruled (p. 731) that "nothing authorizes anyone to prevent Congress from publishing any statement"; it decided nothing on whether the Speech or Debate Clause covers republication.

[27] Although the court's ruling on legislative privilege in terms covered only Senator Gravel, the extension of such immunity by implication to his aide seems the only basis for the court's prohibition against questioning Dr. Rodberg about the republication of the Pentagon Papers, in view of the court's holding that the Speech or Debate Clause does not cover republication.

NATIONAL SENIOR CITIZENS MONTH—A TIME FOR ACTION

Mr. BROOKE. Mr. President, May is a joyous month for most Americans. Warm weather, with blossoming trees and flowers, lure us all from our onerous cares. May is a youthful month filled with youthful pleasures. Yet for some 20 million of our citizens, May offers no bright promise of better times. These 20 million Americans are over 65 years of age, and they have learned, in their retirement years, that they lack a fair share of the abundance which they produced through their own years of toil. Ironically, May is their month—Senior Citizens Month. But under our present system the observance mocks its basic promise.

One quarter of the elderly Americans are presently living in poverty, yet most were not poor until they became old. And unfortunately the older they grow the poorer they grow.

When we add to their poverty the problems of ill health, isolation, and inadequate housing and services, our elderly suffer, indeed, from our neglect.

But their attitude of quiet suffering is a thing of the past. We are entering a new era in which "senior power" is becoming a reality. Three thousand four hundred strong, the delegates to the White House Conference on Aging condemned the status quo and provided a full and compelling agenda for change. These delegates, and millions more of the elderly throughout the Nation, are determined that the report of the Conference will not gather dust on our shelves or serve solely as a basis for more empty rhetoric. The Conference—and the 20 million older Americans which it represents—rightly demand an end to our long

neglect. Older citizens demand action. The time for it is now. For senior citizens have no time to wait.

Last year the House passed H.R. 1, the Social Security Amendments of 1971. This bill was a beginning, a base from which to work. The Senate Finance Committee has been revising it for many months, and through its efforts we can be certain that some social security legislation will pass the Congress this year.

As a member of the Special Committee on Aging, I have explored for some time the problems and prospects of security, health, housing, and service for our elderly. In the context of the compelling report of the White House Conference on Aging, I considered what could and should be done in this session of Congress. I have developed a list of musts that I will strive to enact into law.

First, I believe that our elderly cannot endure a rise in social security benefits of less than 20 percent, and I am a cosponsor of Senator CHURCH's amendment No. 999 to provide such an across-the-board increase. This amendment would raise the monthly benefits for the typical retired couple from $222 to $269. The income of the average retired single person would be raised from $133 to $162.

The 15-percent increase in benefits approved in 1970, and the subsequent 10-percent increase effective in March of 1971, have almost been negated by inflation. A 20-percent increase in benefits now is a must if we are going to provide any real economic gains for older Americans. The prospects for enactment of such a substantial raise have been improved by the fact that the chairman of the House Ways and Means Committee, Representative WILBUR MILLS, concurs in the need for the 20-percent across-the-board benefits increase and in the inadequacy of the 5-percent increase now contained in H.R. 1.

But across-the-board increases do not always benefit those who need help the most: The people at the bottom of the scale. For this reason I was particularly heartened by the Senate Finance Committee's adoption of the special minimum cash benefit schedule, which provides a minimum benefit of $10 per year for each year of covered employment in excess of 10 years. Some 40,000 additional people who had worked in covered employment at low wages for many years, will benefit immediately. For those who had so worked for 30 years, this new special minimum will provide a payment of $200 a month for an individual and $300 a couple. Many who have toiled all their lives only to find themselves living in poverty in their retirement will, under this provision, be accorded the security they deserve.

But this is only a first step. We must lift every older American, as well as every blind and disabled American, out of poverty once and for all. In H.R. 1, the House has moved to replace the existing "adult" assistance programs for the elderly, blind, and disabled—OAA, AB, and APTD—with a new Federal income floor of $130 a month for an individual and $195 for a couple, with the new, unified program to be administered by the Social Security Administration. At present the average OAA monthly payments vary significantly among the States, ranging from a low of $50 in Mississippi to a high of $168 in New Hampshire, with a nationwide average of $78. I am pleased to note that Massachusetts is on the high end of the OAA payment spectrum with average monthly payments of $130. In addition, our Commonwealth is one of seven States—Alaska, Idaho, Illinois, Massachusetts, Nebraska, North Dakota, and Washington—which guarantees a monthly income of at least $180 for an individual receiving social security benefits.

The Finance Committee's action on the guaranteed minimum income parallels these State programs to a large extent. On April 5 the committee announced its approval of provisions which would assure most aged, blind, or disabled welfare recipients a combined monthly income from social security and welfare of at least $180 for an individual and $245 for a couple.

At the same time, the provisions approved by the Finance Committee provide those aged, blind, and disabled with no other source of income a monthly payment of only $130 a month for individuals and $195 a month for couples. This minimum level of assistance leaves some 2.4 million aged, blind, and disabled persons, who receive no social security or other income, below the poverty level of $1,852 and $2,328 for aged individuals and couples, respectively.

Overall these provisions would lift from poverty 4 million aged, blind and disabled persons who receive social security or have other sources of income. This would be accomplished by disregarding each month the first $50 of social security or other income. The disregard, added to the minimum, would insure that those aged, blind, and disabled recipients with some social security or other income would receive a minimum monthly income of $180 and $245 for individuals and couples respectively. Annually this would mean incomes for individuals of $2,160, and for couples of $2,960, which in both instances exceeds the poverty level. Further disregarding of $50 of earned income, plus one-half of any earnings above $50, also approved by the committee, will significantly aid those who work part time.

The Finance Committee's approach would result in payments to the aged, blind, and disabled of $5.7 billion in 1973—an increase of $3.5 billion over existing law—and would approximately double the number of aged, blind, and disabled welfare recipients from the present 3 million to 6 million.

Mr. President, while I welcome the committee's significant steps to remove 4 million Americans from poverty, I am concerned about the 2.4 million aged, blind, and disabled persons who will remain entrapped in poverty. They must be helped. If the Senate were to adopt a guaranteed minimum income of $160 for individuals and $200 for couples, for those who have received neither social security or other sources of income, we would succeed in lifting all the aged, blind, and disabled above the poverty line. Under such a provision they would receive annual incomes of $1,920 for individuals and $2,400 for couples. Federal payment of this minimum is contained in Senator CHURCH's amendment No. 998 to H.R. 1, which was introduced prior to the committee's action on the guaranteed income levels, and which I have also cosponsored. The 1971 White House Conference on Aging endorsed the federalization of such minimum payments, and their administration by the Social Security Office. I concur with this recommendation, and it, too, has my support.

Even if the Senate should support these proposals—a minimum monthly floor guaranteeing all aged, blind, and disabled individuals incomes above the poverty level; and the social security and other income set asides approved by the Finance Committee—we shall still fall short of the goal of the 1971 Conference on Aging. The Conference urged a minimum income of $4,500 for an elderly couple, which is equal to the intermediate budget prepared by the Bureau of Labor Statistics. While it seems unlikely that we shall reach this goal during this session of Congress, we must not slack in our efforts. We cannot be satisfied with merely lifting the elderly out of poverty. We must strive to provide a level of security in which all can live in dignity.

Third, we must boost the retirement test above the $2,000 level contained in H.R. 1 to at least $2,400 this year and next, and $3,000 beginning in 1974. I am pleased to cosponsor Senator PERCY's amendment to this effect. I believe such a phased increase, with a study of the feasibility of eliminating the earnings limitation altogether, is the most practical approach towards reaching the goal recommended by the Conference on Aging.

I am also pleased that the House of Representatives eliminated altogether the dollar-for-dollar reduction, which now begins at $2,880, and provided instead a flat 50 percent benefit reduction across the board for earnings above $2,000. Our elderly must have alternatives to full retirement, and we should not discourage those who wish and are able to work.

Regrettably few Americans in the 65 plus age category presently are working. Only 15.3 percent of the elderly have jobs, and those are usually part-time and low-paying positions. Yet all older Americans want a meaningful role in society, and they have valuable talents and the time to contribute richly to the welfare of their fellow citizens. We must seek significant ways to utilize the services of our elderly citizens. We cannot afford to waste their considerable talents. The Administration on Aging programs provide a start, but there is much more that needs to be done and I shall continue to do all I can to provide our elderly citizens with wider opportunities for continuing service.

Fourth, we must go forward, not backward, in expanding the coverage of medicare, which now pays only 43 percent of the elderly's health care expenses.

H.R. 1, as approved by the House, offers some improvements in the medicare program. It includes the automatic en-

rollment of eligible individuals in part B—the supplementary medical insurance program. At the present time, while 96 percent of those eligible enroll, 4 percent somehow fail to take advantage of this vital coverage.

While we move to merge part A—hospital insurance—and part B in regard to enrollment, I believe the time has also come to eliminate the part B premium altogether and finance the program entirely through general revenues. This is part of the administration's overall health strategy, and provisions to eliminate this premium are contained in Senator WILLIAMS' amendment No 1103, of which I am pleased to be a cosponsor. When medicare began 6 years ago, the part B premium was $3. It is now $5.60 and scheduled to go to $5.80 on July 1. This 94-percent increase in premiums has inflicted severe hardships on impoverished older Americans. By eliminating the premium payments, each older American will have an additional $69.20 a year—at the July 1 premium rate—to spend on the other necessities of life. The cost to the Government of $1.5 billion can be justified by the immediate impact on millions of older Americans' incomes.

The House, in H.R. 1, sought to increase the part B deductible from $50 to $60. I am hopeful the Committee on Finance will delete this provision. Due to the soaring cost of medical care, aged beneficiaries are spending almost as much out of pocket today for health care as they did prior to medicare, for the 20-percent coinsurance they must pay is being paid on substantially higher charges today than those of 1965.

I believe that we must not only roll back this increase in the part B deductible, but begin gradually to eliminate it. I am pleased to co-sponsor Senator PELL's amendment, No. 1093, which would provide a gradual phaseout with a complete end to the deductible by January 1, 1975.

The Finance Committee has already rejected the increase in the hospital copayment as proposed in H.R. 1. The House-passed copayment of $8.50 a day from the 31st to 60th days of hospitalization would have cost a seriously ill patient who was hospitalized for 60 days or more an additional $255. Yet such seriously ill elderly patients are the ones who could least afford this. But while I welcome the committee's deletion of this copayment increase, I am concerned that the committee rejected the commendable House-passed increase in the number of lifetime reserve days from 60 to 120. While the committee correctly points out that such an increase would affect very few beneficiaries, I would suggest that these seriously ill beneficiaries are the ones that suffer the most severe financial burdens in their protracted illnesses. This increase in lifetime reserves must be reincluded in H.R. 1 by the Senate.

It is not enough that we relieve medicare beneficiaries from the excessive burdens of premiums, deductibles, and coinsurance. We must also expand the coverage of medicare and simplify medicare procedures for the provision of care needed.

Out-of-hospital prescription drugs with a minimal or no copayment must be a top priority in our consideration of H.R. 1. I am hopeful the Finance Committee will act to include such a provision in the bill. "Miracle" drugs can provide no miracles if patients cannot afford them.

We should also review carefully the inadequacy of medicare coverage in the areas of foot care, eye examinations, eye refractions, eye glasses, hearing aids, dental care, and false teeth, and seek to broaden medicare's coverage in these areas.

I commend the committee for removing in part the restrictions on the coverage of treatment of beneficiaries by speech therapists and clinical psychologists, by eliminating the current provision that such services must be rendered only in a physician-directed clinic or outpatient hospital. However, the services would still have to be provided in an organized setting under a plan of care or treatment established by a physician. I am not convinced that such supervision is necessary. I also regret that this minimal change was not accompanied by a realistic upward adjustment in the $250 annual limitation on out-patient treatment of mental illnesses. The mental health needs of elderly citizens cannot adequately be met within this limit.

The inadequacy of medicare coverage for rehabilitation services must be further corrected as well, and I believe Senator STEVENSON's amendment, No. 955, of which I am a cosponsor, is an essential remedy to these current medicare deficiencies. This amendment would provide coverage under medicare of up to 100 visits to an authorized posthospital rehabilitation facility. Services to be covered under part A would include: Physical and occupational therapy; speech pathology and audiology; medical social services; and services related to the use of prosthetic and orthotic devices. This amendment would benefit the 100,000 older Americans who are released from hospitals and extended care facilities cured, but not rehabilitated.

Some of the most vexing problems of the elderly stem from the requirements for extended care and home health services. The elderly have been plagued by retroactive denials of eligibility for such services. We must include in H.R. 1 provisions for prospective determinations of eligibility for extended care and home health services. At the same time we must eliminate the 3-day in-patient hospital stay requirement for medicare coverage of extended care services, while expanding the number of posthospital home health visits from 100 to 200. Senator PELL's amendments Nos. 1093 and 1097, propose such revisions of current law, and I am pleased to cosponsor his proposals.

However, such revisions to title XVIII will not provide the answer to the unavailability of suitable extended care facilities. Clearly, as the White House Conference on Aging suggests, the elderly as well as all Americans need a comprehensive new health strategy which provides access to quality health care for all Americans. Our medical "nonsystem" need to be overhauled and redirected as we develop a new financing method that insures each and every American the right to good health.

Mr. President, I have touched on some of the musts for meeting the health care needs of the elderly. But better health care and minimum benefit payments alone, welcome as they may be, are only part of the answer to the needs of elderly Americans.

As a member of the Committee on Banking, Housing, and Urban Development, housing for all Americans has been among my top priorities. An amendment which I introduced and which was passed in 1969 provided some relief for the elderly in public housing by insuring that no tenant over 65 would be required to pay more than 25 percent of his or her adjusted gross income for rent. This provided considerable relief to elderly tenants with small fixed incomes, and the Housing and Urban Development Act of 1972, which passed the Senate on March 2, contains an expansion of the Brooke amendment to federally subsidized private housing projects as well. It is my hope that House will concur in this proposal so that the rent ceiling will extend to the elderly—indeed to all tenants—of federally assisted housing.

But only one-third of our Nation's elderly are tenants. Two-thirds of our older citizens own their own homes, and their greatest burden of home-ownership is the property tax. The burden is so great that many elderly Americans are forced to sell their lifelong homes and leave the communities where their roots have grown so deep.

Last year the Senate passed an amendment which would have provided relief for elderly homeowners. This year, Senators PEARSON and EAGLETON have introduced a similar amendment of which I am pleased to be a cosponsor. This amendment No. 895 would allow persons 65 years of age and older a tax credit up to $300 per year for property taxes paid on their residence. For the one-third of the olderly who are tenants rather than homeowners, there would be a tax credit equal to 25 percent of the annual rent, not to exceed $300. In both instances the tax credit would be reduced dollar for dollar of adjusted gross income in excess of $3,250 for an individual and $6,500 for a couple filing jointly. This amendment is essential to insure that elderly homeowners will not be forced to sell their homes, and to provide those who are tenants some economic relief or a chance to move into more suitable housing. I am confident the Senate will again adopt this essential amendment and I am hopeful that this year the House will accept it.

Mr. President, my remarks have focused on the needs of the elderly as I understand them. My suggestions have been directed to what the Social Security Amendments of 1971, H.R. 1, should contain if those needs are to be met.

But H.R. 1 as presently constituted is not a bill solely for those over 65. It contains important provisions relating to title V of the Social Security Act—grants to States for maternal and child wel-

fare—and a total revision of title IV—grants to States for aid to families with needy children. The welfare reform provisions as passed by the House are a modification of President Nixon's family assistance program, first proposed in August of 1969.

At the time the FAP program was initially unveiled, I welcomed its concepts, for I recognize the failure of our current welfare system. However, the family assistance program as passed by the House is unacceptable; it fails to protect the rights and benefits of present welfare recipients and of future participants in FAP. The Committee on Finance has approved an even more regressive and degrading workfare system. Under this system any welfare recipient who does not have children under the age of 6 actually living in the home, would be required to accept domestic or public service employment at the unbelievably low rate of $1.20 per hour.

The Senate is deeply divided on the welfare issue, and a lengthy public debate is certain to ensue. However, our elderly cannot endure a further delay in the enactment of H.R. 1. And welfare families, present and future, cannot and should not endure the diminution of their rights and benefits that could result from either the House-passed welfare reform or the workfare plan adopted by the Finance Committee.

Therefore, I suggest that the Senate abandon the welfare reform provisions of H.R. 1, and proceed promptly with the other essential provisions of this measure.

It is with some reluctance that I suggest an abandonment of welfare reform this session. But I would prefer no change in the present system to changes which are reforms in name only.

Our Nation's elderly, some 4.7 million of whom now live in poverty, deserve our closest attention during Senior Citizens Month and during every month of the year. Their needs compel not only a revision of our laws, but a rethinking of our society's attitudes as well.

Our youth-oriented culture has too long ignored the plight of its 20 million elderly citizens. We must measure up, fully and promptly, to the needs and expectations of those who have served us far better than we have served them.

WASHINGTON POST FAVORS THE GRIEVANCE PROCEDURES

Mr. BAYH. Mr. President, I invite attention to an excellent editorial published in yesterday's Washington Post which offered a carefully considered analysis of the present debate surrounding the Foreign Service's personnel system and grievance procedures.

As the editorial puts it:

Unfortunately, the temper within the Foreign Service has become sufficiently distrustful and bitter that administrative reorganization by the State Department alone cannot cure it. . . . Both the American Foreign Service Association and the American Federation of Government Employees, the two chief organizations representing these employees, support the legislation now before the Senate. It is high time for Congress to enact it.

The editorial also endorsed the amendment which I intend to offer to that legislation. Since the debate on my amendment has been postponed until next week, I hope that all Senators will take the opportunity to review the favorable comments of the editorial before debate begins. I ask unanimous consent that the editorial be printed in the RECORD.

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

A GRIEVANCE LAW FOR DIPLOMATS

The Foreign Service continues to be Washington's most troubled bureaucracy, and its troubles are now being brought, once again, to the floor of the Senate. The immediate issue is legislation to establish a new and independent grievance procedure for Foreign Service officers and the other employees of the foreign relations agencies. The Department of State strongly opposes this legislation, arguing, with considerable justice, that it has already corrected the worst abuses of the recent past. Unfortunately, the temper within the Foreign Service has become sufficiently distrustful and bitter that administrative reorganization by the State Department alone cannot cure it. What the Department has given, some of its employees fear, the Department can take away. These employees are entitled to legislation guaranteeing that the Department will apply its rules fairly, and will provide a right of appeal to an impartial referee. Both the American Foreign Service Association and the American Federation of Government Employees, the two chief organizations representing these employees, support the legislation now before the Senate. It is high time for Congress to enact it.

Grievances mainly involve, as one might expect, promotions and firings. These matters can be handled fairly smoothly in a corps of stable size and rank. But the State Department has been cut back about 20 per cent over the past five years, resulting in many firings of officers well into middle age, too old to change careers easily but to young for pensions. Mr. Macomber, the deputy secretary of state for management, has put a stop to the wholesale purges of people in mid-career. But the White House apparently believes that too many officers are clustered in the upper ranks of the Foreign Service, suggesting that there will be few promotions in coming years. The cuts in both positions and promotions has exacerbated all the familiar questions of fair play. The Foreign Service, like most other American institutions, is divided over questions of the proper limits to dissent. And those questions have a special edge in an organization whose business involves political analysis. What one man considers creativity may seem insubordination to another, and personnel disputes often revolve around precisely that distinction.

The Department, under Mr. Macomber, has made a series of important improvements in the personnel system recently. A grievance panel has been set up under a professional arbitrator. Mr. Simkin, former head of the Federal Mediation and Conciliation Service. Employees are now given access to their personnel files. The old up-or-out firing system, which works well in the military services but badly in diplomacy, has been suspended. The Department says that it is prepared, in principle, to support grievance legislation.

But it argues that the bill before the Senate is much too broad. The bill's supporters, in contrast, say that it is limited to issues of due process, and would only require the Department to follow its own rules. The senators sponsoring the bill can perhaps make their intentions on this point explicit in the floor debate. The next question is who shall be the judge. The present bill suggests a three-seat panel, with one seat filled by the person bringing the complaint, one by the Department, and one by agreement or failing agreement by the Court of Appeals here. In this instance, Senator Bayh's amendment seems preferable. He proposes filling all three seats with professional arbitrators.

The malaise in the Department goes a great deal deeper than the personnel rules. The Department is, in fact, going through one of its periodic bad times, and bad times for the Department are bad times for the men and women who have committed their careers to it. Many of their traditional responsibilities have been carried off to Dr. Kissinger's office at the White House, or to the Treasury. The Vietnam war has churned up all of the basic questions of foreign policy, and the organizations that deal with it. But the Department and its sister agencies have an unusual proportion of first rate people, highly trained and highly specialized. They are not dispensable to this country's central purposes. At a time when policy disputes are profound and vehement, grievance legislation can reassure these valuable people that their own superiors will deal with them equitably in their personal careers.

THE CANADIAN OIL PIPELINE

Mr. BELLMON. Mr. President, the Washington Evening Star of May 3 reported that a dozen Republican Senators from the Midwest and East have challenged the proposed Alaskan oil pipeline and are calling for the construction of a trans-Canadian pipeline in the interest of lower costs, the environment, and national security.

I am pleased to note that these Senators, who have in the past taken a noncommital and often negative attitude toward the Nation's energy crisis, despite the fact that they came from heavily populated areas, are now taking an active interest in this matter.

Unfortunately, their proposal is plagued with the same kind of ill-conceived logic that they apply to opposition to offshore drilling, deep water port facilities, and realistic energy pricing policies.

The fact remains that a trans-Canadian pipeline would be three times as long, twice as costly and by the simple distances involved, more environmentally damaging than the Alaskan pipeline.

Further, the Canadian line would undoubtedly be under the control of the Canadian Government and would most likely operate as a common carrier for Canadian crude. This would effectively imperil U.S. operational control and subject the line to United States-Canadian diplomatic fluctuations.

In the face of a mounting domestic petroleum shortage, sharply rising costs of imported oil, and ever-increasing dependency on foreign reserves, the need to encourage expanded domestic exploration and production is imperative. We must get on with the task of constructing the Alaskan oil pipeline so that this critically needed source of energy may become available to U.S. consumers.

In addition, Congress, it is hoped with the active support of these same 12 consumer-State Senators, should provide needed incentives to the energy in-

dustry so that the Nation's basic energy needs can be safely and economically met from secure sources under the control of this Nation.

Mr. President, I ask unanimous consent that the Evening Star article be printed in the RECORD.

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

GOP SENATORS ASK REROUTING OF OIL PIPELINE

A dozen Republican senators from the Midwest and East have challenged the proposed Alaskan oil pipeline, calling for serious consideration of a cross-Canada route to the U.S. Midwest.

Led by Asst. Senate GOP Leader Robert Griffin of Michigan, they echoed arguments made earlier by many Democrats that a Canadian line would be cheaper, less costly to maintain and operate, more secure from earthquakes, less potentially harmful to the environment and safer from a national-security viewpoint.

ONE MILLION MIDDLE-AGED AND OLDER WORKERS UNEMPLOYED

Mr. CHURCH. Mr. President, joblessness continues to remain at an unacceptably high level for persons 45 and older.

More than 1 million individuals in this age bracket are now unemployed, nearly 75 percent higher than in January 1969.

And once he loses his job, the older worker is likely to be without employment for a substantial period of time. Today 466,000 have been searching unsuccessfully for work for 15 weeks or longer, more than three times as great as in January 1969. During this same period their very long term unemployment—27 weeks or longer—has jumped by an alarming 362 percent, from 48,000 to 222,000.

In my own State of Idaho, older workers and their families have also felt the harsh effects of the economic slowdown during the past 3 years.

Persons 45 and older, for example, account for almost 40 percent of the total insured unemployment in Idaho.

However, action has been initiated in Idaho on a number of key fronts to create a more favorable climate for the employment of mature workers.

One outstanding example is the retirement jobs program which has helped to place older persons in gainful and satisfying employment. Under the skillful direction of Mrs. Agatha Pallister, this program now renders valuable supportive services for nearly 700 registrants.

For many older persons these jobs have provided more than just a means of earning income. In numerous cases, the employment has provided a most rewarding and fulfilling experience.

Additionally, April was proclaimed as a special emphasis month to encourage the employment of individuals 45 and older. Recently a joint statement to carry out this policy was issued by Wil Overgaard, deputy director of the Idaho Office on Aging, and George N. Stoops, executive director of the Governor's Committee on Employment of the Handicapped and Older Worker.

These efforts, it seems to me, provide a useful course of action for other States to follow in stimulating job opportunities for middle-aged and older persons.

A recent article in the Idaho Statesman describes these activities in greater detail.

Mr. President, I commend this article to Members of the Senate and 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:

STATISTICS, PERSONAL VIEWS BOLSTER APRIL

(By Carrie Ewing)

April is special emphasis month to appeal to employers to hire the older worker, ages 45 and up.

The joint announcement was issued by the Idaho Office on Aging, with Wil Overgaard as deputy director, and the Governor's Committee on Employment of the Handicapped and Older Worker, George N. Stoops, executive director.

Of the 30,090 unemployed insured workers seeking employment in Idaho during the first quarter of 1972, 11,537 are in the 45 and older age bracket, according to Department of Employment reports.

During that period, the total number of insured unemployed persons in Idaho increased by less than two per cent over the corresponding period of 1971. But the over-45 worker in the same category for the same period increased by 14 per cent.

Hidden in these statistics is the fact that one out of every 3.3 persons 65 or older had an income of $3,000 or less for 1971.

Overgaard called attention to a startling fact that accounts for some of the unemployment among older workers.

"One farm worker was required to produce enough food for 11 persons 30 years ago. Today, with mechanization and improved techniques, one person produces enough to feed 45 persons," he said.

Using the adjectives skilled, competent, dependable energetic and dedicated, the two directors offer "living proof" for their opinions.

They gleaned the examples from Retirement Jobs of Idaho, Inc. and the Governor's committee. Retirement Jobs was a dream, then a reality for Mrs. Agatha Pallister, a retired worker who decided to do something about her leisure and that of other retirees.

Serving many years in employment offices in Utah, Mrs. Pallister moved to Boise on her retirement. As leisure time weighed so heavily upon her she conceived the nonprofit employment agency for older workers. From a humble beginning in a small trailer in February of 1970, to offices in the Immanuel Methodist Church, to more adequate quarters at 3314 Americana Terrace, she now is able to render service to nearly 700 registrants.

A representative also is stationed at 706 East First, Meridian, to serve the Treasure Valley area. Retirement Jobs is an entity of Model Cities and the Idaho Office on Aging.

Proving the case for the older worker is George Gilbert, who, after 48 years of following the culinary arts, adheres to the philosophy of "once a chef, always a chef." He just "couldn't resign" himself to doing nothing.

Gilbert, Overland Road, Route 2, Meridian, rebelled at being cooped up during the bad weather this winter when "I couldn't get out and work on my place."

Though pushing 71 years, Gilbert went to Retirement Jobs of Idaho, Inc. to inquire of employment possibilities.

Sir Richard's, a new business, had just opened at Nampa.

"I've been there for nearly three months now, working from nine to 11 hours a day and love it," Gilbert said. As chef he is in charge of the kitchen. "On Sundays we prepare 150–160 pounds baron of beef."

Five days of work each week at Sir Richard's doesn't seem to be enough for Gilbert. He cooks dinners once a week for two Masonic lodges on his "off work" days.

His chief experience includes 21 years at clubs in Reno. He was working as chef for one of Albertson's delicatessens in Reno and was transferred to the chef position at Albertson's Sixteenth and State delicatessen in Boise.

"I like to work," Gilbert said. "Restaurant work is hard work, but I want to keep on working as long as my health holds out. We will have the work organized on my job soon, then I can put in shorter hours. I don't want to quit work abruptly. That makes too much time on my hands."

Mrs. Elizabeth Krutzfeldt, 420 North Pacific, though officially a retired practical nurse, finds it impossible to retire, because "My patients keep recommending me to someone else who needs home care, and I go. I have a feeling for my patients. I like to be good to them."

So it is, when one case terminates, Mrs. Krutzfeldt is faced with another as a result of satisfied customers spreading the word. She is happy to "work on call." She maintains the home and gardens and raises flowers to keep busy during off-duty intervals.

She is another older worker who found placement originally with Retirement Jobs of Idaho, Inc.

Acclaimed by George Stoops of the Governor's committee as a "shining example" of the energetic older worker is George H. Hill, 3621 Patricia Lane.

Hill retired last August from a building maintenance position with KTVB Channel 7, "after trying to reitre for four years." But complete retirement was not for Hill. He presently is occupied changing and installing new locking units in federal government buildings.

Hill said he is willing to accept part-time employment, and will not refuse a full-time occupation. However, he prefers the part-time setup, for, at 69, he would like "to kick around a bit—work and have fun, too, Can't just sit down and do nothing."

An ardent skier since he was 10, Hill said he has slowed down now, going about four times a season.

"My wife skied until five years ago. We both belong to two bowling leagues."

In the 1950s, Hill managed the Bogus Basin Ski area for four years. He served nine years on the Volunteer Ski Patrol, which eventually became connected with the Pacific Northwest Ski Association. Through this association Hill was acclaimed Ski Patrolman of the Year for the 1960–61 season.

"I also have been a member of the Avalanche Patrol Special Unit, where we trained in outdoor survival. This unit developed into the Mountain Rescue Unit," he recalled.

Not only has Hill been active, though retired, Mrs. Hill, a licensed practical nurse from 1950–1967 at St. Luke's Hospital, also portrayed the willing older worker by being subject for four years to call after her retirement "until back trouble caused me to quit."

Leaving the hubbub of San Francisco after 30 years as a secretarial worker, Miss Avice Annett, 1713 Resseguie, returned to Boise in 1969.

"I have to keep going at something," she said. "I'm too lively to sit around. I'm happy to work at something to supplement my retirement income."

She is a resident representative on a part-time basis with the staff of the Citizen Participation Department of Model Cities. Her task is to contact fellow residents in the Model Neighborhood to determine the needs of the citizens and to learn what programs they desire.

"I like this work," she said. "I like the contact with the people. It's better than sitting at a desk doing office work."

PRESIDENT NIXON'S POSITION ON VIETNAM

Mr. THURMOND. Mr. President, I invite the attention of Senators to an editorial entitled, "Nixon Blockbuster," published in the New York Daily News of April 28, 1972.

It is a perceptive and concise view of the President's position on the Vietnam war which he broadcast to the Nation 2 days earlier. While the editorial points out that President Nixon is taking a firm stand on aerial bombardments in response to open invasion, it reiterates the success of Vietnamization.

The editorial makes its most astute analysis in describing Hanoi's goal of victory through American public opinion. The editorialist correctly rejected this theory and called upon all Americans to unite behind the President in bringing this war to a conclusion with honor.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

NIXON BLOCKBUSTER

We can't think of a better word than the sometimes overworked "blockbuster" to describe President Richard M. Nixon's Wednesday night speech to the nation and the world.

The President confounded all who thought he sent Henry A. Kissinger to Moscow last week to beg the Kremlin on bended knee to call off its North Vietnam running dogs in return for a U.S. promise to stop bombing up north.

On the contrary, Mr. Nixon assured one and all that the bombing will go right on, with no military targets exempted, until the North Vietnamese Reds in Hanoi pull their troops back across the demilitarized zone.

So well are the South Vietnamese coming along in taking over their own defense that our troop pullout program is to be uninterrupted, with 20,000 more men coming home in the next 60 days.

We are returning to the Paris peace talks, said the President, but only because we expect concrete results and prompt results; we're done with taking guff and bombast.

Hanoi's last remaining hope of victory, as Mr. Nixon sees matters, lies in winning this war inside the United States with the help of doves, defeatists, dupes, dopes and plain traitors. He cannot picture most Americans buying these worthies' line of goods. Neither can we. Neither, we surmise, can you.

How, then, about all patriotic and freedom-loving Americans uniting behind the President as regards the Vietnam war and for the duration of that war?

TRIBUTE TO HENRY REGNERY

Mr. THURMOND. Mr. President, some time ago, nearly 200 writers and teachers identified with conservatism in American politics gathered in Chicago to honor my good friend Henry Regnery.

Mr. Regnery is the founder and chairman of the board at the publishing house which bears his name. His contribution to the literary world was unique when he began his publishing operations 25 years ago. At that time, many publishing companies were eager to publish the works and philosophies of liberal writers. No one was anxious to make available to the public the works of conservatives.

Mr. Regnery set out to change all of this, and for nearly two decades, until Arlington House and the Conservative Book Club joined ranks, Henry and Devin Adair Garrity in New York were the only two such conservative publishers.

Mr. President, this man has done much to keep conservative views available for the public. He is richly deserving of the honors given to him by his colleagues. I am sorry that I could not have been there.

The highly regarded columnist James J. Kilpatrick was there, and he wrote of the event in a column entitled "Henry Regnery, Keeper of Conservative Store." The column appeared in the Washington Evening Star of April 20. 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:

HENRY REGNERY, KEEPER OF CONSERVATIVE STORE

(By James J. Kilpatrick)

CHICAGO.—Nearly 200 American writers and teachers, all of them identified with the conservative cause, gathered here in Chicago the other night to honor a benefactor and to renew old bonds. Liberals, of course, have such occasions also; they are indispensable to the keeping of any faith; and they remind us anew of the importance of ritual in the survival of civilized man.

Our own modest consistory was summoned to pay homage to Henry Regnery, founder and chairman of the board of the publishing house that bears his name. Henry is a diminutive fellow, maybe 5-feet-6, slender as a snap bean, but he stands pencil straight and his placid face belies a stubbornness within. He is 60 years old, but in the past 25 years he has not gained a pound or added a wrinkle.

These were the 25 years we recognized last week—the quarter century since Henry, at 35, plunged into the perilous waters of the book publishing business. He set out in Chicago, of all places, to publish books by conservatives, of all people; and for nearly two decades, until Arlington House and the Conservative Book Club came along, Henry and Devin Adair Garrity in New York were the only two such lunatics in the land. Bless them, O Lord!

You have to be a professional writer, perhaps to understand that invocation fully. The act of writing, in itself, is among the most agonizing occupations ever contrived by man; but to write futilely—to write and not get published—is to know the tortures of the damned. It is like the tree that falls in the desert: Does anyone hear? Without a publisher, a writer is an unstrung fiddle; other instruments are playing. He is mute.

Henry Regnery made it his mission to string us up. He challenged the orchestrated liberalism of the whole book publishing world—not merely the houses themselves, but also the book reviewers, the periodicals, the critics who can make or break a title in the market. Then, as now, the media were dominated by intellectuals hostile to conservative thought. Henry took on the whole crew.

Thus, when it was highly fashionable to praise the Chinese Communists, those agrarian reformers, he published Freda Utley's "The China Story," one of the most powerful anti-Communist works of our time. When progressive education was all the rage, he sought out Mortimer Smith, and thereby introduced in the groves of academe a cool voice of common sense. He breached the very citadels of the Eastern Establishment with Bill Buckley's "God and Man at Yale." In 1957, when liberals ruled the Southern roost, he sought a conservative in Richmond and let the young cock crow.

Most significantly, he discovered in Mecosta, Mich., up in the burnt-woods country, a ruddy little Scot whose pedantic image concealed a quick and lively passion. This was Russell Kirk, teacher and philosopher. His seminal work "The Conservative Mind," remains after nearly 20 years the one best starting point for an understanding of contemporary conservative thought.

What did Henry glean from his labors? Personal satisfaction, little more. Relatively speaking, he rarely made a dime. In the whole of the 25 years, only a handful of his titles, by the most generous accounting, ever ranked as best-sellers. But he had a wonderful time.

So the clan gathered to pay him honor, and as such ritual proceedings go, this one went very nicely. The preliminary speakers rambled on too long, but Bill Buckley, as principal orator of the evening, was exactly right. He recalled Whittaker Chambers' vivid description of the typical tiny shop on a side street of a great city. Here no customer is ever seen. A curious visitor, wondering what the shop conceals, finds him at a dimly lit desk in the rear an old man who lovingly offers a few bolts of handcrafted cloth—fabric not meant to sell, but merely to endure. So, too, Henry, keeper of the conservative store.

Every faith must have its Henry. The liberals have theirs, and I would pay them homage also. Someone has to keep the tablets, if only to preserve the possibility of enduring truth against the casual destruction of the passing hour.

MAY 4, 1970

Mr. KENNEDY. Mr. President, I invite the attention of Senators to an article in the New York Times today which has a simple headline, a headline entitled "May 4, 1970."

The statement by the author of the article is more than enough to demand the attention of Senators. It does not need any additional comments from me to emphasize the continuing questions of justice that the events at Kent State have raised.

Four young Americans were killed that day, and our system of justice has remained blind to their deaths.

Almost 9 months ago, I asked the Justice Department for the investigative file on the Kent State incident. As chairman of the Subcommittee on Administrative Practice and Procedures, I asked for those reports as the first step in assuring congressional oversight of the Justice Department decision not to conduct a grand jury investigation.

I ask unanimous consent that the article written by Arthur S. Krause, father of Allison Krause, who was one of the four students killed that day, be printed in the RECORD.

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

MAY 4, 1970

(By Arthur S. Krause)

PITTSBURGH.—In the afternoon of May 4, 1970, my wife and I learned, through telephone calls and radio newscasts, that our daughter Allison had been killed in Kent State University. Several hours later we arrived at the hospital in Ravenna, Ohio, to witness a scene of military activity in the

town which recalled for me similar scenes from the last months of the war in France and Germany.

Two policemen informed us that guardsmen had been killed on the campus and the local newspaper carried glaring headlines to this effect. The atmosphere pervading Ravenna and the hospital was indeed comparable to that which one would find in the aftermath of a firefight between G.I.'s and the enemy. It was not until a C.B.S. employe came up to us and insisted the police and Ohio National Guard were lying about the dead guardsmen that I sensed the future.

"The demonstration was over," he said, "when they suddenly opened fire and killed the students." At that moment I knew the great whitewash had begun.

A few weeks later I spoke to John Ehrlichman at the Key Biscayne White House and he assured me I was mistaken. The conduct of the Ohio Guardsmen would be fully investigated and, he said, there would be "no whitewash." I responded by telling him I would only believe it when the President and his Justice Department demonstrated the sincerity of his assurances.

Six months after the tragedy, the state of Ohio made the Administration's snow job that much easier by demanding and dutifully receiving, total exoneration of the National Guard's role in the killings, and condemnation of the university, faculty and students. This childishly prejudicial finding was solemnly rendered by a Portage County grand jury.

Within twenty-four hours of my daughter's murder I knew justice would not only be delayed, it would be denied as long as this Administration remained in office. With this thought in mind I appealed to then Attorney General Mitchell not to allow the Portage County grand jury to become an obscene travesty of justice. I am still waiting for the Justice Department to act.

It is almost two years now since Allison and her fellow students Sandra Scheuer, Bill Schroeder and Jeff Miller were shot to death during a fusillade which violated both Federal and state laws. The Government has amply demonstrated its contempt for those laws when enforcement would not be politically advantageous.

ARE FOOD PRICES OUT OF LINE?

Mr. HANSEN. Mr. President, recently one of the questions raised most often with regard to the activities of the Price Commission and the sources of the President's Economic Stabilization program is whether food prices are out of line. The administration and the Price Commission have addressed themselves to this question, and I am hopeful that the people of the Nation have an opportunity to become more knowledgeable of the costs of producing food products and moving them to the marketplace.

In an effort to see that the American public is properly educated concerning these complicated marketing processes, I invite the attention of the Senate to a statement published in the Western Livestock Reporter of February 24.

Mr. George Wurnig tells the price-cost story well stating.

In 1951, I got $48 per cwt for my calves and bought a new tractor for $2,150. In 1971 I got $44 per cwt and bought a comparable sized tractor for $5,700. In 1971, I paid our hired man five times more than in 1951.

These are facts of life. They should be recognized by the American consumer.

Mr. M. J. Hankins, representing the Stanton County Livestock Feeders Association of Stanton, Nebr., testified before the Price Commission recently calling attention to the farm to consumer price spread which is a major factor in the increase in beef prices. The farm-to-consumer price spread is the difference between what the farmer receives and what the consumer pays.

Mr. Hankins points out that during the past 20 years retail price spread on beef has skyrocketed. As an example, farm-to-retail price spread for market basket foods increased 2.5 percent from January to February this year and accounted for four-fifths of the increase in retail prices. Retail spread for beef took a very sharp jump of 24.3 percent over the last year. This increase is totally unrelated to what is paid to the farmer and rancher. It is strictly increase in the cost of moving the production from the farm to the consumer.

It is important for the American people to recognize the fact that the prices being received for cattle by the rancher and farmer in 1972 for the first time have reached the price which was being paid to the rancher for the same produce in 1951, over 20 years ago. Mr. President, I ask unanimous consent that Mr. Hankins' statement be printed in the RECORD.

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

TESTIMONIAL PRESENTED BEFORE THE NATIONAL PRICE COMMISSION BY M. J. HANKINS, REPRESENTING THE STANTON COUNTY LIVESTOCK FEEDERS ASSOCIATION, STANTON, NEBR.

Farms to consumer price spread is the biggest problem of the cattle industry, as well as for all agriculture. This is the difference between what the farmer receives and the consumer pays. It is that part of the consumers dollar that the farmer, rancher and livestock feeder does not receive. Consumers should be equally concerned.

Over the past twenty years retail price spread on beef has skyrocketed at times out of all proportion to such costs as labor, transportation, taxes and equipment. As an example farm to retail price spread for market basket foods increased 2.5 percent from January to February this year and accounted for four fifths of the increase in retail prices. Retail spread for beef took the very sharp jump of 24.3 percent over last year.

BEEF PRICES ROLLED BACK

We very well remember the fall of 1970 when $100 per head was taken off of our cattle over and above the year before, with no significant change in supply, consumer demand or cut in the price of beef to the housewife. There was no trouble experienced at that time in selling our beef just as fast as it could be cut up at near steady prices. This roll-back amounted to about $300 million, annual basis, on the three million cattle fed in Nebraska—six times our state income tax. The national figure would have been 2½ billion dollars on 25 million cattle. We also remember the $6 per hundred rollback in the summer of 1969, and the $3 rollback in the spring of 1966 under similar conditions. It will take several years of good prices to earn back all of the money lost on these bad markets.

CONSUMERS LIKE OUR PRODUCT

About the most insignificant problem over the last twenty years has been to get people to eat our high quality grain fed beef. We were producing such a wholesome, nutritious, appetizing, and satisfying product that the demand was consistently gratifying. All during this time, when consumption increased nearly 300 percent, our good consumers gladly ate all the beef we could produce plus a generous helping of imported beef and paid a good price for it. However, during much of this time we were selling our cattle at fire sale prices. We did not get our fair share of the housewife's beef dollar. At no time during this period did we have a surplus of beef. It did not pile up. We did not have to export any of it.

PRICE SPREAD DISASTROUS TO FARMERS AND RANCHERS

Since, us farmers and livestock men are the original producers we feel the full force and effect of price spread. We have no one else to pass it back to. Therefore, we find that price spread is the most basic cause of the farm problem. About 40 percent of the farmers were forced off the land during the past ten years because of disgracefully low prices; the direct result of exorbitant price spreads. This all happened during the greatest period of prosperity in American history. The average farm family income is only 75 percent as high as for city families and half of this income is from non-farm sources.

In 1969, according to USDA figures, the average farmer made only 1.1 percent on his net capitol investment. The small farmer with gross sales of under $10,000 made only .8 of one percent and the large farmers with gross sales of over $20,000 made only .9 of one percent. This shows that, contrary to popular belief, the nations largest farmers are doing just as poorly as the nations smaller farmers. During this same year of 1969 food retailers made a net return of 23.6 percent. Farmers and ranchers have been donating the use of most of their capital investment in order to stay in business and in addition to that they are earning over half of their income from other sources.

RURAL COMMUNITIES SUFFER THE CONSEQUENCES

As a result of all of this, rural community life has been sadly disrupted. Vacant buildings are common place up and down mainstreets in small country towns. Abandoned farmsteads dot the country side. Many others are in a depleted condition and about to be vacated. Most of the potential young farmers have left the land resulting in the average age of farmers being near, at or past retirement age. The time has come to be concerned about just who is going to keep on producing our food supply.

If the farmer could have his fair share of the consumers dollar the exodus to the city would soon stop and even reverse. Many young people would be glad to return and takeover the home farm if they had some assurance of a chance to make a reasonable income from the land. If the farmer were getting his fair share he would not need to be subsidized and he would not need bureaucratic help with rural development. All he needs is a fair price at the market place relative to retail prices.

A fair price or parity formula for the farmer should be based on retail price less a reasonable cost for processing and distribution.

It is about time we demand the same efficiency in processing and distribution that we have on the farm.

PRICE CONTROL WOULD MEAN SHORTAGES AND RATIONING

We are very firmly opposed to price fixing for livestock at the farm or for meat at the retail level. As in OPA days price fixing would result in shortages, rationing, black markets, racketeering, shady under-the-table deals and very serious disruption of our entire livestock industry. When livestock was under price control meat production was forced back so much that the big labor unions threatened to strike unless they could have meat. Regulations were immediately suspended, cattle prices jumped $10 per hun-

dred in one day, production started rolling again and we have had an ever-increasing supply of meat ever since.

"The cost of the original product is the least important factor in setting the price to the consumer." This is a quote from a big chain store executive and another good argument against controlling farm prices.

The big increase in price spread started about twenty years ago and coincides with the chain store explosion. It is now common knowledge that the chain stores are the real "fat cats" of the food industry.

We think the Government should do a much better job of serving as a referee at the market place to help keep our markets free and openingly competitive. The anti-trust laws should be enforced and unfair marketing practices eliminated.

THE CONSUMER'S BEEF DOLLAR—HOW IT IS DIVIDED BY THE BEEF INDUSTRY

Example—1,100-pound choice steer dressing 63 percent yields a 693-pound carcass of beef—491.3 pounds less trimming waste.

The rancher receives $270.20. (700 pounds feeder steer at $38.60. This for all expenses of raising the steer.)

The feeder receives $98.27. (This for 400 pounds of grain with high grain rations. About five months time required in the feedlot.)

The packer receives $37.34. (491.3 pounds at 7.6 cents. This includes slaughtering and preparing the carcass for the retailer.)

The retailer receives $163.11. (491.3 pounds at 33.2 cents—up 24.3 percent from last year. This covers such items as cutting and wrapping and displaying for self-service.)

The consumer pays $568.92. (491.3 pounds retail cuts at an average price of 115.8 cents.)

(Above information based on figures from USDA—Supplement to Marketing and Transportation Situation—February 1972. Also USDA Kansas City feeder cattle data.)

TRUTH IN SAVINGS

Mr. HARTKE. Mr. President, in this age of "consumerism" one area which has received little attention is the billions of dollars which Americans place into savings institutions each year.

Few depositors understand just what the savings institution does with their money and just how their deposited money earns interest. A glance at today's newspaper will indicate that many savings institutions advertise their earnings rates as a means of attracting consumer deposits. Unfortunately, the information disclosed in these advertisements can be misleading to the extent that it is inadequate. For instance, to state that a deposit earns interest at the rate of 5 percent per year, tells the depositor very little. How often is that interest credited and compounded? What specific method is there that the earnings rate computed by the savings institution is accurate in light of the institution's own earnings computation method?

Mr. President, what this means is that the average consumer depositor has inadequate information at his disposal with which to make a reasoned choice among a variety of savings alternatives. The 5-percent interest rate advertised by one savings institution is not necessarily the same 5-percent earnings rate which is advertised by another institution. This difference is caused by differences in methods of compounding and crediting as well as differences in the methods of computing earnings rates.

To provide the consumer with adequate information, I introduced S. 1848, the Truth in Savings Act, during the last session. While this legislation does not tell a savings institution what earnings practices it should follow, it does provide the consumer with enough information to make an informed choice among savings institutions and their various savings plans.

Mr. President, I ask unanimous consent that an article on the truth-in-savings concept, written by Richard L. D. Morse and William R. Fasse, of the Department of Family Economics of Kansas State University be printed in the RECORD.

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

TRUTH IN SAVINGS [1]

(By Richard L. D. Morse and William R. Fasse, Department of Family Economics, Kansas State University, Manhattan)

WHAT'S IN A NAME

Savings and credit are inseparable. Truth in Lending now has its counterpart in a proposed *Truth in Savings Act*. The word "Truth" alarms some savings institutions who seem to feel that they are accused of being untruthful. This is not the intent of the proponents. Perhaps a better title might be "The Consumer Savings Disclosure Act".

The "Truth" title is used because historically its use derives from the Truth in Securities Act which established the Securities and Exchange Commission. In 1967 the Consumer Credit Protection Act passed. When Senator Paul Douglas originally introduced it in 1960 it was named the Consumer Credit Labeling Act. However it has always been popularly known as "Truth in Lending". Likewise the Fair Packaging and Labeling Act is known as Truth in Packaging. Actually they all share the same rationale as the Textile Fibre Identification Act. All require the standardization of terms to effect more efficient and accurate communication.

PREMISE

The premise of this discourse is that consumers have certain rights, needs and responsibilities which if met will enable them to perform better their role in a free enterprise economy—These rights, needs and responsibilities are delineated with respect to savings:

The rights of consumers, the right to safety, to be informed, to choose and to be heard, were first stated by President Kennedy March 15, 1962, and have been repeated in the original or revised form by Presidents Johnson and Nixon and by the U.S. Chamber of Commerce. Specifically the right of the consumer to be *supplied the information needed to make informed choices* is the right addressed by all these so called "Truth" or "Disclosure" acts.

With respect to savings, the question is: Does the American consumer have sufficient information to make informed choices among savings institutions and their various savings plans?

The need of consumers as busy people with a multitude of decisions to make on a wide range of subjects are for reliable, meaningful information. Standardized terminology for communication about the various opportunities is essential for efficient comparative shopping.

With respect to savings, the question is: Are savings terms standardized so that they have clear, precise and universally comparable meanings?

The responsibilities of the consumers are many, but they are of particular importance in the areas of savings and credit because a legal contract is involved. It is crucial that both parties know the terms of the contract and exercise the responsibility of holding the other party to the terms of the contract. Each should know whether the terms are being met.

With respect to savings, the question is: Are the terms of the savings contract sufficiently described so that the two parties can check the performance of each other?

If the national policy is to obtain maximum benefits from a free competitive economy, then consumers must have the opportunity to be routinely informed so they can act efficiently and accurately and can exercise their responsibilities. But what is the situation today? How do present practices measure up against such standards?

THE SITUATION

Deficiencies on the part of government, savings institutions and consumers are evidenced by the following illustrations. They are not presented as representative of the style of operation of any class of savings institution, but to demonstrate the existence of certain problems and practices.

1. Savings terms are not standardized. Even the time period of a year is not precisely defined, so that tables currently in use by institutions for figuring interest are on a 360 day, 365 day or 366 day basis for specified annual rates. Quarterly compounding in some situations may mean compounding at the rate of one-fourth the nominal annual rate, but in other situations at a rate which reflects the actual number of days in a quarter relative to the number of days in a year. In the latter case the applied quarterly rate varies from quarter to quarter. Furthermore, two savings institutions using the same annual rate and compounding daily on a 365 day basis may quote different interest factors for a specific number of days. For example, the published factor table of one bank gives 4.41059518 as the factor for 274 days while another quotes 4.40919 for the same 274 days—and both based on daily compounding, 5.75% and a 365 day year. This may sound like "nit-picking". However, small fractional differences for a multi-billion dollar industry may be very significant.

The prevailing lack of standardization is not surprising in view of the disposition of the regulatory authorities not to define the significant terms. Cited below are excerpts from two letters from the Office of the General Counsel of the Federal Deposit Insurance Corporation:

"However, this Corporation has not attempted to define by regulation the myriad terms which may be employed in bank advertising. Such an effort would only serve to further complicate what has already become a complex area of regulation." (April 30, 1971 letter.)

"You are advised that this Corporation's regulations permit banks subject to its regulatory jurisdiction to compound interest on any basis they desire. The regulations do not attempt to define terms such as "compounded daily" or "credited quarterly," etc. However, they do prohibit advertisements which are inaccurate or misleading, or which misrepresent a bank's deposit contracts." (Portion of April 16, 1971 letter to Dr. Morse.)

2. *Information level is uneven.* The amount of information supplied consumers, albeit not necessarily in a standardized terminology, varies from fairly complete to minimal. It is not uncommon for the passbook to contain a statement that the account is subject to the provisions of the laws of the state or of the regulations of the regulatory authority. This merely tells the consumer what the consumer already suspected, namely, that the savings institution intends to operate within the law. (Bonus Certificate). Less typical is the passbook or savings instrument that gives some detail. An example is the Special Term Savings Account

Footnotes at end of article.

Passbook of the New York Bank for Savings. (Feb. 19 letter).

3. Vital information is lacking. Miss Jackie Pinson, as a graduate student in Family Economics, undertook an extensive survey of the savings plans. She discovered that the officers at the savings institutions frequently were unable to fully describe their own plans in a manner which would permit her to compare one plan with another. Furthermore, she discovered that it was possible for two institutions which would appear to be comparable, that is pay the same annual rate and use the same compound period, could vary as much as 171% in the amount of earnings paid on a six-months savings program which she had developed. The difference resulted from variations in methods used in computing the balance to which the rate was applied. This involved such details as to whether the bank computed earnings by applying the rate to the savings balance derived by use of first-in-first-out, last-in-first-out, average daily balance or other method. Such differences in methods might seem to be petty, but quite obviously they can be extremely significant to the consumer. Yet, such information is not routinely fully disclosed.

An illustration of what this gap in information can cost a consumer is revealed by an experience of Mr. William Fasse, then a graduate student in Family Economics. He had an account which paid interest every six months. And in the fall of 1969, when he was buying a car, he wondered whether he should withdraw savings or increase the amount of the car loan. His passbook revealed no useful information for him to assess his options, so he inquired at the savings and loan office. He was informed that the interest earned to date would be paid on the account if a $5 balance were left in the account. So he withdrew $906.82 for use toward the purchase of the car. At the end of the year he did receive interest, a grand sum total of 12¢ which is interest for ½ year at 5% on the $5 balance. The cost of this misunderstanding was $22.65 which is what Mr. Fasse would have earned had he not withdrawn these funds. He does not believe the institution deliberately misinformed him. He believes they were merely ignorant of their own procedures. Furthermore, his contract gave him no information which would have helped him protect his own interests.

4. Advertisements could be more informative. Mrs. Diana Osbaldiston surveyed advertisements of savings and loans institutions and banks from across the nation. She discovered that the quality and amount of information supplied did not vary directly with the size of the advertisement. By her standards 12% of the small ads were completely informaitve, and 22% of the super ads (one-half to two full pages) gave almost none. Thus one can not claim that the lack of information in advertisements is necessarily a function of the size of the ad.

5. The accuracy of the accounts is seldom checked. The consumer is not routinely supplied the information that would be needed to check the accuracy of the account, so that no matter how mathematically skilled the consumer is, it is impossible to check the accounts. This is particularly true on accounts that have any activity. It is less true for accounts that remain with the principal untouched and merely accumulate earnings.

In the fall of 1971 the Department of Family Economics, K.S.U. conducted a statewide "telenetwork" class of mostly graduate students. As one of the assignments the students were asked to verify, to their satisfaction, the earnings paid on their savings accounts. Of the 82 students completing the assignments 61% indicated that they could not verify or were unsatisfied with their attempts to verify the earnings paid. Most of those able to verify their earnings had accounts with no activity. The students were also asked if all the necessary information was supplied to enable them to verify their earnings. Of those completing the assignment 85% said no.

Morse discovered the value of checking the accuracy of earnings paid on his own accounts. He had opened two identical $500 accounts with the same institution, each paying the same rate of interest, etc. At the end of the first year one paid $18.96 and the other $22.04. Had these not been identical accounts such differences probably would have gone unnoticed. The differences are attributable to error which was acknowledged by the savings institution and both accounts were subsequently credited with $22.04. This error of over 10% may not have been noticed had Morse not been thinking then in terms of the need for savings information disclosure in order to check the accuracy of his accounts.

The responsibility of the consumer to check the accuracy of his accounts became all the more important in light of subsequent correspondence with the Federal Deposit Insurance Corporation. The Chief of the Regulations and Opinions Unit wrote Dr. Morse October 18, 1971

"Since limitations on personnel preclude us from doing more than making a spot check on individual accounts from time to time, we must rely heavily on a bank's customers to call irregularities in their accounts to our attention".

A POSITIVE PLAN

The prevailing situation of savings disclosure, as indicated, is inadequate. The cases presented demonstrate the need for full disclosure of savings terms. A positive plan for a standardized form of disclosure is presented, raising first the question of when does the consumer need such information, and then, the question of what information is needed at those points in time. Finally, there remains the question of how to accomplish the plan.

WHEN TO DISCLOSE SAVINGS INFORMATION

There are three critical points in the savings transaction when the consumer must have full information in order to act intelligently and responsibly:

1. At the time the consumer is shopping for a savings institution in which to place his funds so he can select the one which best meets his needs and thereby fulfill his responsibility of rewarding that savings institution which serves him best.

2. During the life of the contract so the consumer can exercise his responsibility of taking advantage of opportunities in the market as they arrive.

3. When earnings are paid in order to fulfill his responsibility to verify his account. What needs to be disclosed.[2]

There are basically four items that need to be regularly disclosed in standardized terms to the savings consumer.

1. Period—The "t" term in the equation I = Prt. The time unit for compounding—quarterly monthly, daily . . .

2. Periodic Percentage Rate (PPR)[3] The "r" term in the equation: I = Prt — the rate which is actually applied in figuring earnings for the period.

(From the PPR are derived the APR and APY).

3. Annual Percentage Rate (APR)—The "annualized" expression of the "periodic percentage rate". APR = PPR x number of periods in a year.

4. Annual Percentage Yield (APY)—A percentage expression of the dollars of earnings over a year's time per $100 of initial deposit resulting from applying the PPR at the end of each period to the initial deposit plus previous earnings.

5. Balance—and how it was computed—The amount to which the PPR is applied—LIFO, FIFO, low balance, daily balance, etc.

Footnotes at end of article.

The above are basic but by no means all of the information needed by a savings consumer. Information about grace days, minimum periods, minimum balances and dates on which earnings are paid, etc. are also very necessary and would need to be disclosed to the customer.

These points are given more definitive treatment in the discussion which follows on how full disclosure might be implemented.

HOW TO IMPLEMENT FULL DISCLOSURE

Basically there are three avenues for implementing full disclosure: (1) industry self-discipline, (2) regulation and (3) legislation. Each will be discussed.

Industry self-discipline. Historically, industry self-discipline rarely works. Either the industry lacks the clout needed to police the mavericks within the industry, or an industry which does have power to control its members is in violation of the prerequisites of free enterprise. Furthermore, peculiar to this industry is the added pressure resulting from the national policy of placing ceilings on the nominal rate of earnings. Since savings institutions are prohibited from competing on rates, they compete on gifts, gimmicks and services, and also by making disclosures intended to give an institution the appearance of giving the consumer a distinctive advantage. Semi-annual and quarterly compounding have been replaced by daily, hourly or even continuous compounding. Several years ago the yield rate was so over-advertised, because of these pressures, that Regulation Q was introduced to bring order out of this chaotic and idiotic competitive battle of semantics. [Dr. Morse has documented the full sequence of his part in the promulgation of Regulation Q.] Although many would wish that reforms could be accomplished by voluntary action, those who view this as a realistic approach to reform overlook the history of self-regulation.

Regulation. Most, if not all, savings institutions are under the supervision of a Federal regulatory authority and a lesser number under State regulatory authority. The Federal regulatory agencies can and often do synchronize and coordinate the issuance of regulations. For example, when the Federal Reserve Board issued Regulation Q to limit the prominence of the yield rate to that of the nominal rate, and it was simultaneously issued by the FDIC, FSLI, FHLB State regulated financial institutions, State institutions were not necessarily covered by these Federal regulations. Thus the regulatory route for implementing an industry-wide plan depends on the full cooperation of all Federal and State agencies.

There is no evidence that any regulatory agency other than the FDIC has considered the adoption of regulations in this area. Failure of any one regulatory agency to cooperate may place the regulated institutions at a relative competitive disadvantage.

Chairman Frank Willie of the FDIC last September 15, 1971 wrote Senator John Sparkman, Chairman of the Committee on Banking, Housing & Urban Affairs that the FDIC ". . . favors the full and accurate disclosure to depositors of the applicable rates of interest and of the other terms and conditions governing their deposits". Furthermore, he expresses his belief ". . . that the Corporation's Board of Directors, the Board of Governors of the Federal Reserve System, and the Federal Home Loan Bank Board presently have statutory authority sufficiently broad to enable them to adopt any regulations necessary to accomplish the bill's (S. 1848) objectives with respect to banks and savings and loan associations." No action by the regulators has taken place since the letter was written. Either the FDIC found it could not draft adequate regulations or it could not gain the cooperation of the other Federal regulatory agencies, let alone the many State agencies.

Thus the regulatory route would seem to

have gone by default. *Legislation.* The legislative route has the advantage of establishing standards which are comprehensive, treating all alike, and applicable throughout the nation. Legislation was introduced simultaneously May 12, 1971 in the Senate by Senator Vance Hartke (S. 1848) and in the House by Representative Bill Roy (H.R. 8365). It has gained 26 co-sponsors in the House. The Vermont legislature has considered a comparable bill (S. 157). And the Kansas Bankers Association has suggested revisions to clarify and strengthen these bills. The heart of the proposed legislation as revised lies in the definition of terms and the disclosure requirements which are:

DEFINITIONS

Earnings means any amount accruing to or for the account of any individual as compensation for the use of funds constituting an individual savings deposit. Such term includes dividends and interest on any individual savings deposit, but does not include any thing of value received by any individual upon initial placement of, or upon adding to, funds in an individual savings deposit;

Earnings payable, when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists, regardless of whether the earnings are actually paid;

Period is the basic time unit used for purposes of computing earnings. If the period is less than one day, it shall be disclosed in accordance with provisions of the next subsection.

Periodic percentage rate is the rate applied each period to the principal amount for that period to determine the amount of earnings for that period and may be referred to as the PPR. If the period is less than one day, for purposes of disclosure, the period shall be construed to be either one day or the actual time interval after which earnings are payable, whichever is less, and the rate to be disclosed in lieu of the true periodic percentage rate shall be the factor used to determine the amount of earnings for a one day period.

Annual percentage rate is the periodic percentage rate multiplied by the number of periods in a calendar year of 365 days for all years including leap year, and may be referred to as the APR.

Annual percentage yield expresses the amount of earnings which accrue in one year to a principal amount of $100 as the result of the successive applications of the periodic percentage rate at the end of each period to the sum of the principal amount plus any earnings theretofore credited and not withdrawn during that year, and may be referred to as the APY.

GENERAL REQUIREMENTS OF DISCLOSURE

(1) Each savings institution shall make available in writing to any individual upon request, and at the time he initially places funds in an individual savings deposit in such savings institution the following information with respect to individual savings deposits:

(a) The annual percentage rate;

(b) The minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(c) the annual percentage yield;

(d) the periodic percentage rate and the method used to determine the balance to which this rate will be applied;

(e) the number of times each year earnings are compounded;

(f) the dates on which earnings are payable;

(g) any charges initially or periodically made against any deposits;

(h) any terms or conditions which increase or reduce the rate of earnings payable as disclosed under items (a) or (c); and

(i) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(2) Each savings institution shall disclose annually and at the time any earnings report is made to an individual in person, or by mailing to his last known address, with respect to his individual savings deposit—

(a) the amount of earnings paid;

(b) the annual percentage rate;

(c) the periodic percentage rate;

(d) the principal balance to which the periodic percentage rate was applied and the method by which that balance was determined;

(e) any charges made against the account during the period covered for purposes of computing the payment of earnings or making the report;

(f) Any other terms or conditions which increased or reduced the earnings payable under conditions as disclosed under items (a) or (c) of subsection (1).

(3) The Board may by regulation, authorize or publish tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(4) Not less than ten days before a savings institution adopts any change with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change, unless such change is directed by regulatory authority.

SUMMARY AND OBSERVATIONS

Truth in Savings is an effort to provide full disclosure of savings terms and practices. This would enable consumers to exercise their responsibilities more effectively and efficiently; namely, to police the market, to make informed choices, and to validate the accuracy of their accounts. This is a conservative measure. It is within the tradition of free enterprise economics which requires that consumers be fully informed.

It should be observed, however, that the supplying of all the information needed for the consumer to be informed to cope with today's finances may reveal so great a complexity that consumers may demand simplification. The problem is not with full disclosure but what it will reveal This observation is based on what has happened under the full disclosure provisions of Truth in Lending. It has revealed such complexity in the various open-end credit plans that the public is demanding simplification.

What form simplification should take with respect to savings would be the subject of another paper. But an example of simplification might be to specify a method of figuring the balance to which the periodic rate is applied. A case can be made for limiting the method to the use of daily balances. By 1972 computer technology has made this entirely feasible for most businesses. And even those using pencil and paper methods of computation would find the daily rate and balance method feasible. Financial institutions would undoubtedly print up tables of the daily factors for the appropriate annual rate. Thus consumers could recalculate the earnings for each day-interval of activity. Furthermore, if these daily rates and balances were also used in credit, then the school teachers, creditors and others would have a common terminology, common methodology and common approach to money contracts. There would be a direct and logical relationship between the amount of principal involved and the earnings paid on savings or finance charge for credit.

This suggestion of daily rates and balances is neither offered as a threat to obtain full disclosure nor of a promise of what lies ahead after full disclosure. However, it is worthy of serious consideration by those persons who wish to simplify life, education and business routines—and yet not curb unduly the freedom of choice in matters which are truly more significant than hassling over FIFO, LIFO, days of grace and other details.

FOOTNOTES

[1] This paper does not necessarily advocate any particular legislation such as H.R. 8847 or S. 1848. It is an exposition of the needs which these bills allegedly meet, but which could also possibly be met by regulation or industry self-discipline.

[2] These points are given more definitive treatment in the latter part of this paper.

[3] The PPR concept was first proposed by Dr. Morse in 1963 as Chairman of the Consumer Credit and Economic Welfare Committee of the Consumer Advisory Council. It was not incorporated in Truth in Lending until the 90th Congress (S. 5).

THE VIETNAM WAR

Mr. THURMOND. Mr. President, the recent invasion of South Vietnam by the Communist forces from the north reveals for all the world to see the exact nature of this conflict. It is not a civil war; it is not insurgent action; it is not low-key guerrilla warfare. On the contrary, it is open, naked, aggressive invasion. No other name can be applied to this massive maneuver which involves 12 of the 13 known combat divisions of the North Vietnam Army.

This invasion is an open and direct challenge to President Nixon's Vietnamization program. The Communists obviously hope to overrun their neighbor in the south before the Vietnamization program develops to the point where such an undertaking would be impossible.

President Nixon has no choice but to order support for the ARVN forces by American air and naval units.

Mr. President, it is gratifying to me to read two well-known columnists who accurately place this war in a proper perspective. Mr. Smith Hempstone in his column entitled "Heading Toward a Moment of Truth in Vietnam" correctly states that peace is very much to be desired, but not at any price.

Mr. Hempstone very appropriately recalls the words of Lord John Russell, uttered 119 years ago:

If peace cannot be maintained with honor, it is no longer peace.

Mr. David Lawrence, the highly regarded editor of U.S. News & World Report, also wrote a column entitled "Bombing Beginning To Sink In." In his column, Mr. Lawrence voices the hope that is felt by all of us that President Nixon will be able to find a way to an honorable peace.

Mr. Lawrence expresses hope that such a way might be opened during President Nixon's upcoming visit to the Soviet Union. He says:

The Soviets are friends and allies of the North Vietnamese and have helped them immeasurably while the United States has been assisting the South Vietnamese. Thus, the United States and the Soviet Union, working together, ought to be able to develop a plan for terminating the war which would be reassuring to the peoples of Asia and end the conflict in Indochina that has cost so many lives and resulted in so much destruction.

Mr. President, I ask unanimous consent that these two columns, published in the Washington Evening Star of April 19, be printed in the RECORD.

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

[From the Evening Star, Washington, D.C., Apr. 19, 1972]

HEADING TOWARD A MOMENT OF TRUTH IN VIETNAM

(By Smith Hempstone)

In a number of ways, it may be just as well that the North Vietnamese launched their massive, multi-pronged invasion, now about to enter its fourth week, of South Vietnam.

With some 12 of its 13 mainforce divisions locked in combat on South Vietnamese soil, it becomes a trifle difficult for Hanoi to cling to the hoary fiction that the conflict is essentially a civil war between freedom-loving, anti-imperialist South Vietnamese and a puppet, neo-fascist regime in Saigon.

The war is revealed finally and conclusively for what it in fact has been since the early 1960s: A war of naked, coldly calculated aggression waged by North Vietnam, with the support of the Soviet Union and Communist China, against South Vietnam, supported by the United States.

Not that this will deter Sen. George McGovern. Nor will it change the attitude of the Doomsday Gang, whose bag is denigration of their country and exaltation of its enemies. They have, after all, demonstrated an infinite capacity to believe whatever they wish against any and all evidence to the contrary: To hear them tell it, the murder of thousands of South Vietnamese civilians in Hue during the Tet offensive of 1968 was no more than a true expression of the popular will in which a few (no doubt unpleasant) people happened to lose their lives. Nothing to compare to My Lai; Oh, my no!

In the end, of course, the war will be neither won nor lost on the American presidential campaign trail, in Ivy League faculty clubs or in the newspaper columns of the mea culpa pamphleteers. It will be won or lost in the paddies of the Mekong Delta, in the mist-wreathed mountains of the Central Highlands and in the twisting streets of Hue and Saigon and of a hundred nameless villages. And it will be won or lost by the only people who can win or lose it, the people of South Vietnam. American air power and (where it can be brought into play) sea power can have an effect on the outcome, but they cannot determine it.

The track record of the ARVN (South Vietnamese) troops admittedly is mixed. They have not done well in Cambodia, and rather less than that in Laos. But on their own soil, in defense of hearth and home and family (as was the case during the 1968 Tet and is so now), they have when well led, given a good account of themselves.

And so perhaps it is just as well that the decisive campaign of the war—and who can doubt that this is it?—should come, not in Cambodia or Laos, but literally in their own backyards. And in this respect it is perhaps worth noting that the pitiful flow of refugees is not toward those areas "liberated" by the North Vietnamese but toward government-controlled sanctuaries—and no Asian peasant lightly abandons his land. That is known as voting with your feet.

Thirdly, the invasion is to be welcomed because it casts the cold light of reality upon the euphoria engendered by President Nixon's visit to Peking and his forthcoming trip to Moscow. The exchange of musk oxen and pandas is well and good but it does not alter the fact that the men in charge in Peking, Moscow, Hanoi and most other Communist capitals are a bloody bunch of cutthroats dedicated to the ultimate destruction of democracy everywhere and of the United States in particular.

And finally, that the North Vietnamese should be willing to sacrifice so much blood and treasure with the obvious intent of resurrecting the war as an issue in American politics and procuring the defeat of Richard Nixon in November can be taken as a measure of the effectiveness of the President's policy. Hanoi apparently is convinced that it has no hope of winning the war if Nixon is re-elected and that, at least to this observer, is a rather good reason why he should be.

Nobody in his right mind wants this (or any other) war to continue. But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender.

Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: "If peace cannot be maintained with honor, it is no longer peace." That still holds true today. Which is one reason Mr. Nixon launched the B52s against Hanoi and Haiphong.

[From the Evening Star, Washington, D.C., Apr. 19, 1972]

BOMBING BEGINNING TO SINK IN

(By David Lawrence)

Despite the appearance of critical attitudes in Congress, there are signs that the readiness of the United States to bomb North Vietnam in retaliation for the massive invasion of South Vietnam has had an impressive effect throughout the world. If this kind of sturdiness characterizes American policy, Hanoi has no hope of forcing a military victory and a takeover of the territory to the south.

Most important of all, it would be interesting to know what the real reaction has been in both Peking and Moscow. The experts there now know that they aren't going to get a settlement in Vietnam which amounts to a virtual surrender by the United States.

The only alternative is an arrangement along the lines of the original Geneva accords of 1954, which provide for a cessation of hostilities under international supervision. Agreement then could be reached to assure the right of nations to establish their own form of government and be free from outside intervention.

President Nixon's refusal to be swayed by threats or by the pressures of political groups in Congress—particularly in an election year—has been noted abroad by many who will foresee the kind of support which the Nixon policy will receive from the American people.

The public doesn't like wars, but a vast number of voters would be ashamed of an abject withdrawal. The administration has made up its mind that there be no such thing and that, despite all the criticism, American air power will be used as long as the North Vietnamese continue such massive offensives as they have recently undertaken against South Vietnam.

Secretary of Defense Melvin R. Laird, in the latest statement of the American position, said to the Senate Foreign Relations Committee that the suggestion about talks with North Vietnam being resumed at Paris while the Communists are invading South Vietnam is "the height of irresponsibility."

The secretary declared, however, that if North Vietnam's divisions are withdrawn behind the demilitarized zone, then negotiations would be a "viable alternative." He added that while the violations continue any idea of further negotiations at this time is futile.

But it is apparent from the way the Soviets are beginning to take an interest in the whole problem that conferences already have begun with Moscow on the subject. The State Department has said that "nations which supply offensive equipment to the North Vietnamese and enable them to mount an invasion of South Vietnam share responsibility" for the intensified fighting.

The Soviet Union published a protest note that four of its ships in Haiphong harbor had been hit by "U.S. ordnance," and called it a "criminal act." The State Department promptly replied, making these assertions:

1. Every effort had been made by American planes to strike only military targets;

2. If any damage to international shipping in the Haiphong area was produced by bombings by U.S. aircraft, it was "inadvertent and regrettable;"

3. Damage to international shipping "could well be the result of antiaircraft fire or misfirings from the North Vietnamese side."

So already there are questions being discussed between the Soviet Union and the United States and these could readily go into other subjects as well. It would not be surprising if private talks were carried on directly with the Russians in the hope of securing some formula which would bring an early cease-fire and the chance to negotiate with out the pressures of "massive offensives" in the south or "bombing raids" in the north.

There is undoubtedly a desire now to reach a settlement of the war, and the Soviet Union has a great opportunity to cooperate with the United States informally in achieving the peace agreement that the conference at Paris has been unable to accomplish.

The Soviets are friends and allies of the North Vietnamese and have helped them immeasurably while the United States has been assisting the South Vietnamese. Thus, the United States and the Soviet Union, working together, ought to be able to develop a plan for terminating the war which would be reassuring to the peoples of Asia and end the conflict in Indochina that has cost so many lives and resulted in so much destruction.

FEDERAL BENEFITS FOR ILLINOIS

Mr. STEVENSON. Mr. President, in recent months I have examined carefully the extent of Federal assistance available to communities in Illinois under many of the programs enacted by Congress, and I have found that my State is receiving a disproportionately low share of funds under virtually all of these programs.

I recently cited Illinois experience under the various grant programs of the Law Enforcement Assistance Administration as an example of the way the people of Illinois are being shortchanged in the allocation of Federal funds. I pointed out that among the 50 States, Illinois ranks near the bottom in its per capita share of LEAA funds.

On May 3, my senior colleague from Illinois (Mr. PERCY) undertook to "set the record straight" by offering his analysis of LEAA expenditures in Illinois. I welcome his interest in this matter. This is not a partisan matter, Mr. President. My colleague and I share a responsibility to see to it that our State receives its fair share of Federal benefits.

I am not satisfied that Illinois is in fact receiving its fair share of Federal

assistance under LEAA or under a number of other Federal programs.

My analysis of Illinois' share of LEAA funds is based on figures supplied by the Treasury Department, the Executive Office of the President, and LEAA.

Federal grants may be awarded to a State before the actual funds are transferred from the U.S. Treasury to the State or local treasury. This fact is reflected in the publication by different Federal agencies of reports of Federal expenditures calculated at various stages of the grant process. No matter which set of figures is used, however, Illinois consistently ranks near the bottom in per capita Federal law enforcement assistance.

One source of information on grants is the Department of the Treasury's annual report to Congress entitled "Federal Aid to States, Fiscal Year 1971." I ask unanimous consent that the relevant figures from this report together with per capita calculations be included in the RECORD at this point. These calculations show that Illinois ranks 41 among the 50 States and the District of Columbia in per capita LEAA expenditures. This figure includes only those funds physically transferred to the State—some $8.5 million to Illinois in fiscal year 1971.

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

I. GRANTS FOR LAW ENFORCEMENT ASSISTANCE PER CAPITA BY STATE

Rank and State	Total grants	Population, 1970	Grants per capita
1 District of Columbia	$2,606,085	756,510	$3.44
2 Delaware	1,480,135	548,104	2.70
3 Vermont	1,033,949	444,330	2.33
4 Arizona	3,903,443	1,770,900	2.20
5 Montana	1,369,104	694,409	1.97
6 Idaho	1,365,056	712,567	1.92
7 Wyoming	624,346	332,416	1.88
8 New Hampshire	1,356,218	737,681	1.84
9 Kansas	3,875,078	2,246,578	1.72
10 Colorado	3,779,040	2,207,259	1.71
11 South Carolina	4,297,497	2,590,516	1.66
12 New Mexico	1,670,389	1,016,000	1.64
13 Nevada	789,600	488,738	1.62
14 Iowa	4,310,378	2,824,376	1.53
15 Rhode Island	1,436,166	946,725	1.52
16 Kentucky	4,763,332	3,218,706	1.48
17 Alaska	434,500	300,382	1.45
18 Maine	1,404,587	992,048	1.42
19 North Dakota	862,610	617,761	1.40
20 Louisiana	4,760,506	3,641,306	1.31
21 Missouri	5,727,630	4,676,501	1.22
22 Hawaii	886,332	768,561	1.15
23 Oregon	2,400,271	2,091,385	1.147
24 Utah	1,212,012	1,059,273	1.14
25 Arkansas	2,177,183	1,923,295	1.13
26 Ohio	11,826,213	10,652,017	1.11
27 Michigan	9,685,642	8,875,083	1.09
28 Maryland	3,982,467	3,922,399	1.02
29 Indiana	5,116,797	5,193,669	.99
30 North Carolina	4,793,408	5,082,059	.94
31 Nebraska	1,386,856	1,483,493	.94
32 Connecticut	2,828,086	3,031,709	.932
33 Oklahoma	2,407,556	2,599,229	.926
34 Mississippi	2,013,600	2,216,912	.91
35 Massachusetts	5,119,214	5,689,170	.90
36 New Jersey	6,394,742	7,168,164	.89
37 West Virginia	1,461,739	1,744,237	.838
38 Florida	5,671,076	6,789,443	.835
39 Pennsylvania	9,696,481	11,793,909	.82
40 New York	14,753,461	18,236,967	.81
41 Illinois	8,501,981	11,113,976	.764
42 Texas	8,545,052	11,196,730	.763
43 Alabama	2,627,340	3,444,165	.762
44 Minnesota	2,768,503	3,804,971	.73
45 South Dakota	463,461	665,507	.70
46 Wisconsin	3,030,214	4,417,731	.69
47 Georgia	3,032,257	4,589,575	.66
48 Tennessee	2,540,628	3,923,687	.65
49 California	11,490,144	19,953,134	.58
50 Washington	1,794,285	3,409,169	.53
51 Virginia	2,331,755	4,648,494	.50

Source: From "Federal Aid to States," fiscal year 1971, Department of the Treasury.

Mr. STEVENSON. Mr. President, "Federal Outlays, 1971," is another widely used compilation of Federal grant expenditures. It is published for the Executive Office of the President by the Office of Economic Opportunity. For fiscal year 1971, it shows LEAA grants to Illinois totaling $22,057,998—considerably more than the $8.5 million in cash outlays reported by the Treasury Department. Using these more comprehensive figures Illinois still ranks 40 on a per capita basis. I ask unanimous consent that the relevant sections of Federal Outlays, 1971 and per capita calculations based on these figures be included at this point in the RECORD.

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

II. GRANTS FOR LAW ENFORCEMENT ASSISTANCE PER CAPITA BY STATE

Rank and State	Total grants	Population, 1970	Grants per capita
1 District of Columbia	$14,701,031	756,510	$19.43
2 Alaska	1,200,856	300,382	4.00
3 Delaware	1,824,047	548,104	3.33
4 Idaho	2,097,807	712,567	2.94
5 Nevada	1,424,485	488,738	2.91
6 Arizona	4,881,931	1,770,900	2.76
7 Arkansas	5,259,205	1,923,295	2.73
8 Hawaii	2,084,399	768,561	2.71
9 Wyoming	884,533	332,416	2.66
10 Montana	1,793,494	694,409	2.58
11 South Dakota	1,711,918	665,507	2.572
12 South Carolina	5,852,198	2,590,516	2.570
13 Vermont	1,109,659	444,330	2.50
14 Maryland	9,490,417	3,922,399	2.42
15 Utah	2,542,142	1,059,273	2.40
16 Kentucky	7,607,975	3,218,706	2.36
17 North Dakota	1,451,061	617,761	2.348
18 Kansas	5,274,343	2,246,578	2.347
19 Maine	2,312,825	992,048	2.33
20 California	45,331,710	19,953,134	2.27
21 Massachusetts	12,879,896	5,689,170	2.26
22 Michigan	19,819,629	8,875,083	2.23
23 Louisiana	8,083,864	3,641,306	2.220
24 Colorado	4,897,673	2,207,259	2.218
25 Rhode Island	2,099,360	946,725	2.21
26 Nebraska	3,256,290	1,483,493	2.19
27 Minnesota	8,204,286	3,804,971	2.16
28 New Hampshire	1,563,958	737,681	2.12
29 Missouri	9,863,952	4,676,501	2.11
30 Georgia	9,568,175	4,589,575	2.08
31 Mississippi	4,607,842	2,216,912	2.08
32 New York	37,758,316	18,236,967	2.07
33 West Virginia	3,565,855	1,744,237	2.044
34 Oklahoma	5,312,297	2,599,229	2.043
35 Texas	1,451,061	11,196,730	2.035
36 Pennsylvania	23,635,986	11,793,909	2.004
37 Iowa	5,647,568	2,824,376	1.999
38 Virginia	9,258,379	4,648,494	1.991
39 North Carolina	10,114,360	5,082,059	1.990
40 Illinois	22,057,998	11,113,976	1.98
41 Indiana	10,206,633	5,193,669	1.97
42 Ohio	20,931,387	10,652,017	1.97
43 New Jersey	14,065,905	7,168,164	1.962
44 Tennessee	7,677,519	3,923,687	1.956
45 Wisconsin	8,143,993	4,417,731	1.84
46 New Mexico	1,549,040	1,016,000	1.52
47 Washington	3,985,319	3,409,169	1.17
48 Florida	4,764,821	6,789,443	.70
49 Oregon	1,359,367	2,091,385	.65
50 Alabama	2,132,872	3,444,165	.62
51 Connecticut	1,212,701	3,031,709	.40

Source: From "Federal Outlays in Summary", fiscal year 1971, Office of Economic Opportunity, for the Executive Office of the President.

Mr. STEVENSON. Mr. President, I asked Mr. Jerris Leonard, Administrator of LEAA, to provide me with a detailed breakdown of LEAA funds to Illinois for fiscal year 1971 and their relationship to nationwide funding totals. His report, which I received on February 11, 1972, shows why Illinois ranks so poorly in its per capita share of these funds.

There are five major program areas which comprise a State's total LEAA funding. One of these, part C discretionary funds, accounted for 14.5 percent of the total LEAA budget in fiscal year 1971. Yet, according to Mr. Leonard, Illinois received only $1.7 million out of a nationwide total of $70 million in part C discretionary funds, as compared to California's $8.4 million and New York's $2.4 million. Since a large proportion of other LEAA grant programs are funded on the basis of population, the distribution of discretionary funds is the single most important factor in Illinois' low per capita ranking.

In response to my recent statement that Illinois has been receiving a disproportionately low share of LEAA funds, we are told that Illinois has been near the top of the list of States receiving LEAA funding. The figures reported by the Treasury Department and the Executive Office of the President, however, show that on a per capita basis Illinois ranks near the bottom of the list of States. Although no comparable data is published by LEAA, there is every indication that if such figures were made available, the results would be the same.

We are told that in fiscal year 1971 Chicago and Cook County received 53 percent of the LEAA money granted to Illinois units of local government, but the fact remains that of the total funds granted to the State of Illinois by LEAA, Chicago and Cook County received only 31.4 percent. I quote from Mr. Jerris Leonard's letter to me of February 11, 1972:

> Our review of FY 1972 LEAA funding in Cook County reveals that of $24,534,478 awarded to Illinois by LEAA in planning and action funds, 31.4 percent or $7,711,284 was awarded to Cook County.

Cook County has 49.4 percent of the State's population, 67 percent of all serious crime, and 81 percent of all violent crime. Yet according to the figures provided to me by LEAA, for fiscal year 1971 Cook County received only 31.4 percent of the State's share of Federal law enforcement assistance funds.

We are told that the city of Chicago has not spent $1.7 million granted to it for a new area IV headquarters. I am advised by Police Superintendent James B. Conlisk, however, that the city has completed the plans and specifications with community participation, acquired 60 percent of the required land, relocated many of the former residents, and already let some demolition contracts. These actions have been supported by the local financial share of the area IV project, which is a prerequisite for spending the $1.7 million grant from LEAA.

We are told that the city of Chicago has not been spending the limited funds it has received, and has returned a $23,000 advance on a $115,000 intelligence microfilm grant. In fact, Superintendent Conlisk informs me that the money was returned, because the city felt that the use of these funds would be inconsistent with its application for an interface computer system. The city's application for a grant for this purpose was filed last September 14, but LEAA has still not acted upon it. Superintendent Conlisk has advised me that since 1969 LEAA has rejected 12 of Cook County's applications for grants totaling

$2,384,947 and the Illinois Law Enforcement Commission has rejected parts of some 60 grant applications amounting to $7,098,803.

Finally, the statement that Illinois, which already ranks near the bottom in per capita funding, stands to suffer further losses as a result of the redirection of certain discretionary funds has been described as inaccurate. The facts are these:

Based on the information supplied to me by LEAA, the only program area in which Illinois has received more than its proportionate share of funds was a relatively small discretionary section called part E corrections funds. In fiscal year 1971, Illinois received $1,914,000 out of a national total of $22,500,000 under this program. Because LEAA's 1972 budget included $48 million for part E funds, the Illinois Law Enforcement Commission included a request for $8.6 million under this program in its 1972 comprehensive plan submitted last November to LEAA. LEAA then announced that it would redirect $20 million of the $48 million part E funds to its special program for impact cities, none of which are in Illinois. ILEC was informed that as a result of this decision, it would have to delete the entire $8.6 million from its 1972 plan. As Mr. Allen H. Andrews, executive director of ILEC informed me in a letter received on March 30, 1972:

> We are now revising our 1972 comprehensive plan to reflect the loss of $8.6 million of Part E discretionary funds diverted by LEAA from corrections programing to the Impact Cities program.

I welcome the reported assurances of Mr. Leonard and Mr. Kleindienst that Illinois will receive its fair share of these funds. But the fact remains that a program which provided Illinois with about $2 million in fiscal year 1971, now is not even included in the State's fiscal year 1972 plan. What is more, the total amount to be granted by LEAA from part E corrections funds in fiscal year 1972 has been reduced from $48 to $28 million, and Illinois, even if it receives its fair share of the reduced amount, stands to lose urgently needed funds which are being diverted to other programs in other States.

As I have indicated, my interest in LEAA funding is part of a broader inquiry into how Illinois fares with regard to all Federal expenditures. In defense spending, in educational funding, in agricultural services—in fact in almost every area of Federal activity—Illinois ranks so consistently low that when the figures supplied by the Executive Office of the President are compared State by State, Illinois ranks 48th among the 50 States and the District of Columbia in all per capita Federal expenditures. It is incredible, but it is true—and I invite anyone who doubts it to make his own calculations.

We ranked 48th and received only $725 per capita in fiscal year 1971, while New York ranked 7th and received $1,308 per capita; California 14th with $1,175 per capita; and Texas 19th with $1,090 per capita. Something is wrong. And it is clearly time to do something about it.

MINORITY INVOLVEMENT, ACCOMPLISHMENT, AND OPPORTUNITIES

Mr. GRIFFIN. Mr. President, at the request of the Senator from Kansas (Mr. DOLE), I ask unanimous consent to have printed in the RECORD a statement by him entitled "Minority Involvement, Accomplishment, and Opportunities," and an insertion in correction therewith.

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

STATEMENT OF SENATOR DOLE

MINORITY INVOLVEMENT, ACCOMPLISHMENT, AND OPPORTUNITIES

Programs aiding minorities and the poor have been greatly expanded in the past several years under the Nixon administration. In addition, minority individuals in increasingly greater numbers are being placed in key decisionmaking positions in the administration both in Washington and in Federal agency offices throughout the Nation.

These encouraging developments deserve to be told on a wide basis because they represent some of the most positive steps ever taken in Government to assure that the Government policies and programs are formulated and administered with the necessary understanding of the needs and special problems of the poor, disadvantaged and minorities.

The increased numbers of minority individuals in top level Federal service positions and the outstanding records of accomplishment they have established also bear exceptional testimony to the wisdom of the administration's efforts to actively encourage their hiring and placement. For above all, they have contributed to better government by their efforts.

President Nixon, early in his administration, stated a commitment to increase minority representation at high levels of government and to make government more responsive and responsible to the people. These two commitments have been pursued vigorously; they have been complementary and mutually reinforcing; and success in each has contributed to success in the other.

The Kansas City area has been extremely fortunate in the benefits it has gained from increased numbers of minority policy makers. Top-caliber individuals have been placed throughout the offices of many Federal agencies there, and their achievements have been hailed throughout the community. The success these individuals have had in their positions speaks for itself, but there is now an effort in Kansas City to bring their stories to the public and especially to local minority groups.

KPRS, a black owned and operated radio station, has begun broadcasting bi-weekly interviews with minority individuals holding high ranking offices in the Federal Government. These officials discuss the operations of their offices with special emphasis on available Federal assistance for minorities and the effect current Federal efforts are having in areas of specific local concern. The main thrust of this informative programming is to reach poor and socially disadvantaged citizens with word of assistance and efforts tailored to their problems, needs and requirements.

The success of this program is told in an article from the April 7 edition of the Call, entitled, "Black Officials Use Airwaves to Explain Regional Program," and I believe that my colleagues would find this story informative and encouraging.

BLACK OFFICIALS USE AIRWAVES TO EXPLAIN REGIONAL PROGRAM

Black federal officials in the Kansas City region have gone to the airwaves to inform the public of federal programs available to local communities.

In what may be a first for the Kansas City area and the nation, some 20 black federal officials have begun a series of weekly interviews on a local radio station.

The major thrust of the program is to reach the poor and socially disadvantaged citizen with information regarding available federal programs and the effect current federal efforts are having in specific communities.

The program, which began February 6, is being coordinated by the regional office of Economic Opportunity at the request of radio station KPRS of Kansas City, Mo.

In an effort to increase the station's public service programming, KPRS officials said they noticed the increase of blacks in key, decision-making positions in the regional federal agencies since July, 1970, and determined that the black minority communities would benefit by hearing about the federal efforts from these officials.

The station, the city's only black-owned and operated broadcast media, asked Samuel J. Cornelius, regional OEO director and the highest-ranking black federal official in the region, if he would assist in coordinating this program.

To date, the Kansas City community has heard interviews with: John Dupree, Title 1 ESEA program officer, HEW; Elmo Turner, St. Louis area director, HUD; P. A. Townsend, legal counsel, HUD; Robert Whitehead, personnel officer, OEO; Kenton Williams, assistant regional director, office of Child Development, HEW; James Gohlston, Manpower Administrator's representative, DOL; Robert Colins, regional director of Equal Employment Opportunity, GSA; Robert Watson, General counsel, OEO; Melvin Harrington, district director, SBA St. Louis, Lloyd Claiborne, regional director, Food and Drug Administration, HEW.

Cornelius was interviewed in a special 30-minute taped program earlier this year.

Each of the above interviews were 25–30 minutes and are being broadcasted each Sunday and Thursday over KPRS.

Future plans include a five-member panel of regional black federal executives to be interviewed "live" on the program and they will answer questions from the black, Mexican-American and other minority groups.

Also planned is a second series of taped interviews of 10 additional black federal officials in the region—which includes Missouri, Iowa, Nebraska and Kansas beginning May 4.

THE IMPACTED AREAS PROGRAM

Mr. SPONG. Mr President, once again the administration is seeking to emasculate the impacted areas program, Public Law 874. Once again, the administration has sought to accomplish its purpose, not through the authorization process, but through the appropriation process.

The situation reminds me of a worn-out tune. The recommendations are all too familiar and they sound too much the same.

Under Public Law 874, assistance for school districts with large numbers of children whose parents either live and/or work on Federal property has been available for more than 20 years. The theory behind the assistance is that the Government impacts an area with children when it locates a facility there, and

at the same time imposes a burden upon the area because it takes property which would otherwise be taxed from the tax base of the area. And, as we all know, the property tax is the basis for financing a large percentage of public education in our Nation.

Under existing law, there is assistance for two types of children: those whose parents both live and work on Federal property—"A" pupils—and those whose parents only work on Federal property—"B" pupils. Under the original authorizing legislation, districts are to be reimbursed for "A" pupils at twice the rate they are reimbursed for "B" pupils.

As a number of times in the past, the administration has sought to modify the program. It is, I believe, significant that in 1970 the administration recommended a similar change in the authorization process, only to have it rejected by the Congress. Failing in that tactic, the same administration now seeks to accomplish its objective by slipping in the back door and modifying the program in the appropriations process. This time the administration would provide funding only for military dependents and Indian children whose parents work or reside on Federal property and for a few hardship cases. I believe that approach is wrong. I believe any major change in the program should be made in the authorization process, where Congress can directly work its will.

I also believe that it is wrong to reduce the program at this time. We all know that revisions in school finance, particularly in its relationship to the property tax, are likely in the near future. Consequently, it seems rather ill-timed to make far-reaching funding changes in a program related to property tax matters when the problem could be more appropriately handled in the more comprehensive consideration of financing proposals, which will likely take place shortly.

As I noted before, the impacted areas program has been in existence for more than 20 years. A number of school districts have come to depend heavily on it. These districts have seen a consistent reduction in their funds in recent years. They have sought to adjust accordingly. But, many would be hard-pressed on short notice if the administration proposal were adopted.

Furthermore, I have always felt that the Federal Government, either consciously or subconsciously, has sought to terminate the entire impacted areas program because of its lack of control over it. Impact aid is formula aid: it goes to the school districts according to the number of children with parents who live and/or work on Federal property. When the local school districts receive the aid, they include it as part of their general operating expenses and use it for whatever purpose they feel will be beneficial to their school districts. The school districts receiving the aid are among the most progressive in our Nation. In a large number of cases they have used the money well. But they have used it according to the priorities they recognize, not according to some priority devised by a nameless social planner in the Department of Health, Education, and Welfare. For those who believe that local school district personnel are often in a better position to know the needs of their schools than some bureaucrat in Washington—and I include myself among those who believe this—it is obvious why local school superintendents approve of the program and why officials in the Federal bureaucracy oppose it.

I disapprove of the proposed modifications in the program. I am particularly opposed to changing a formula, already authorized by Congress, in the appropriations process, without legislative hearings as are conducted in the authorizations process.

Furthermore, I would suggest that Senators review the cuts which have been proposed. In many cases, the reductions can only be termed drastic. The entire program would be reduced by $177 million. My State of Virginia would receive in fiscal 1973, $12 million less than in fiscal 1972. In one school district the allotment of funds would drop from $1 million in fiscal 1972 to $396,000 in fiscal 1973. In several other cases, the loss would be between $200,000 and $300,000.

With all the problems our school districts are facing and all the difficulties which districts have experienced with other programs, I do not believe this is the time to maim this program. I am so advising the Senate Appropriations Committee.

Mr. President, I ask unanimous consent to have printed in the RECORD a table prepared by the Office of Education indicating the 1972 appropriation available to various school districts in Virginia under the impact program and estimating the amount those districts would receive in fiscal 1973 under the proposed modification.

I would also add that I have similar figures for other States and would be pleased to make them available to interested Senators.

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

SAFA SURVEY REPORT

Congressional district, school district name	1972 appropriation	Hardship 1973
Virginia (001):		
Mathews County school board	$20,515	$2,913
Northampton County public schools	13,523	15,250
Gloucester County school board	76,806	5,997
First Corp School District of York County	59,669	25,478
Williamsburg James City County school board	103,201	55,692
City of Newport News school board	1,321,639	1,059,359
Town of Cape Charles school board	3,002	2,399
School Board of the City of Virginia Beach	2,646,767	2,510,092
County School Board of Accomack County	56,745	23,819
County of York School Board	1,020,879	869,975
City school board of Hampton	1,648,045	1,354,438
Congressional district total (11)	6,970,791	5,925,412
Virginia (002):		
Portsmouth City school board	1,017,559	396,186
School board of the city of Norfolk	3,155,616	2,677,094
Saltville school board	3,377	342
Congressional district total (3)	4,176,552	3,073,622
Virginia (003):		
County school board of Chesterfield County	$190,051	$73,170
School board of the city of Richmond	457,298	111,013
Henrico County public schools	169,750	43,525
Congressional district total (3)	817,099	227,708
Virginia (004):		
County school board of Prince George County	619,879	598,231
School board of Suffolk City	20,390	3,427
City of Petersburg school board	135,725	85,851
County school board of Dinwiddie County	59,544	28,455
School board of Nansemond County	152,793	24,503
City of Hopewell school board	101,575	65,802
City school board of Colonial Heights	98,573	53,292
School board of city of Chesapeake	809,685	382,304
School board of Isle of Wight County	18,763	2,056
Congressional district total (9)	2,016,927	1,243,911
Virginia (005):		
Carroll County school board	32,445	4,454
Galax City public schools	3,002	0
Congressional district total (2)	35,457	4,454
Virginia (006):		
County school board of Floyd County	24,268	342
County of Montgomery school board	149,110	10,795
City of Radford school board	50,651	7,882
School board of Craig County	13,275	4,969
Roanoke City public schools	110,220	29,247
County of Roanoke school board	103,359	22,619
Congressional district total (6)	450,883	75,854
Virginia (007):		
Charlottesville public school	21,766	18,506
County school board of Clarke	20,515	1,884
County school board of Warren County	17,084	11,309
Congressional district total (3)	59,365	31,699
Virginia (008):		
King and Queen County public schools	6,254	171
Richmond County school board	6,254	0
County school board of Charles City	15,261	3,084
County school board of New Kent	15,136	1,713
Town of Colonial Beach school board	20,640	4,590
County board school of Prince William County	1,433,159	912,327
County school board of Spotsylvania County	53,164	8,396
Fredericksburg City schools	53,463	12,509
School of Westermoreland County	21,265	342
Fauquier County school board	126,995	54,493
Caroline County school board	38,066	16,278
Stafford County school board	240,803	95,237
School board of King George County	115,638	54,793
County of Loudoun school board	264,195	29,131
Congressional district total (14)	2,410,293	1,193,064
Virginia (009):		
Bristol City school board	14,510	5,826
County School Board of Wythe	40,279	3,427
Giles County school board	34,525	4,112
Bland County public school board	8,256	0
County school board of Pulaski County	142,230	5,997
Washington County school board	32,273	5,826
Town of Abingdon school board	4,128	1,884
Congressional district total (7)	276,201	27,072
Virginia (010):		
City of Fairfax school board	339,367	204,847
County school board of Fairfax County	11,501,877	7,119,378
County school board of Arlington County	1,884,846	875,308
City of Alexandria school board	1,132,286	563,029
City of Falls Church school board	140,374	51,971
Congressional district total (5)	15,058,750	8,814,526
State total (63)	32,272,318	20,617,324

SAFA SURVEY REPORT—Continued

Congressional district, school district name	1972 appropriation	Hardship 1973
Washington (001):		
Shoreline school district No. 412	$56,318	$30,011
Bainbridge Island school district No. 303	29,776	7,238
Seattle school district No. 1	384,741	204,432
Lake Washington school district No. 414	52,558	35,660
Congressional district total (4)	523,393	277,341
Washington (002):		
Oak Harbor school district No. 201	886,124	824,794
Mukilteo school district No. 6	40,470	41,663
Issaquah school district No. 411	20,233	8,650
Edmonds school district No. 15	85,056	55,000
Mount Baker school district No. 507	20,477	12,533
Lakewood school district No. 306	2,190	1,765
Jefferson County school district No. 48	9,491	3,530
Skyromish school district No. 404	9,628	6,118

GUARANTEED JOBS

Mr. HARTKE. Mr. President, for the past 3 years the economy has been the subject of more than academic importance. Growing inflation and increasing unemployment have affected millions of Americans. Fortunately, the measures proposed by the Nixon administration to fight these major problems have been inadequate and ineffective.

President Nixon has twice vetoed bills that would have created tens of thousands of public service jobs. Yet it is public service employment which offers the only hope for solving the crisis in our labor market and holding down rampant inflation.

On February 16 of this year, I introduced the Full Employment Act of 1972 (S. 3179). The bill is designed to create more than 2 million public service jobs on State, local, and Federal levels. President Nixon has derided this approach as creating "WPA-type jobs," but such criticism is misdirected.

The WPA was not a program which provided make-work jobs for lazy people. It was a highly effective weapon alleviating the misery of the depression by putting 2 to 3½ million jobless workers in socially and economically productive effort. They provided honest work and the results of that work were thousands of useful projects—projects which benefit our society today.

Airports, playgrounds, golf courses, tennis courts, sewers, sidewalks, libraries—all of these were WPA projects. Sixty-seven thousand miles of urban streets and 572,000 miles of rural roads were built by WPA workers. They built or improved 8,000 parks and 12,800 playgrounds; erected 5,900 schools and renovated 31,000 others; and they built or improved more than 1,000 libraries. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania, and Kentucky sealed thousands of abandoned coal mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

Mr. President, the list of unfinished business on the agenda for the 1970's is even greater than the list of the 1930's. We need recreation facilities; we need to improve mass transit; we need uplift the quality of education; we need to save our environment.

Mr. President, with unemployment hovering around the 6-percent level, we cannot wait for the inevitable failure of phase II to solve inflation and unemployment. The man out of work with a family to support needs a job now. What is so tragic is that there is work to be done but no national commitment to see that it is done. The Full Employment Act of 1972 guarantees a job to every person able and willing to work and it guarantees to the Nation both full employment and a stable economy. The cost of my program is far less than the ultimate cost of the unemployed as lazy and shiftless and it is far less than the ultimate cost to our society in welfare expenditures, unemployment insurance, and human hopes unfulfilled.

Mr. President, I ask unanimous consent that two articles describing the work of the WPA be printed in the RECORD following my remarks, and I ask Senators to remember that our needs are just as great today as they were in the 1930's.

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

IT WASN'T ALL LEAF RAKING—WHY NOT ANOTHER WPA?

(By Cabell Phillips)

In his State of the Union message the President spoke up in favor of "an effective work incentive and an effective work requirement" as a means for reshaping an overburdened and outmoded welfare system. He didn't elaborate. But the implication was that he meant more job training and more hustle by the trainees in a climate of expanding economic opportunity.

But that he is dead set against government being the interim employer for people on welfare had already been made abundantly clear. When he vetoed the $9.5-billion manpower and employment bill last December, which did make modest provisions for creating "jobs in the public sector," he gave as his reason that it would, in effect, bring down upon us, "another WPA." "WPA-type jobs," he said then, "are not the answer for those who have them, for government which is less efficient as a result, or for the taxpayers who must foot the bill." Shades of Herbert Hoover and the Liberty League!

Meanwhile, unemployment nationwide has inched up to six percent of the labor force and welfare rolls are at their highest in history, and still rising. Of the 4.6 million workers now out of work, over a million have been in this fix for 15 weeks or longer and presumably are now on or headed for public welfare. And there, as things now look, they will have to sit and chew their nails "until something turns up."

Mr. Nixon's off-hand indictment of the WPA experience reflects either a gap in his information or an addiction to stereotypes in his thinking. In this he is not alone. To most people under forty the WPA (it stands for Works Progress Administration) is something they came across in a textbook. And to many—maybe most—of those over forty it evokes a cluttered mental montage of Harry Hopkins, "boondoggles," political corruption, and a lazy bum leaning on his shovel while drawing government pay.

In reality, the WPA (along with such kindred agencies as the National Youth Administration and the Civilian Conservation Corps) was a highly effective weapon in damping down the social and economic holocaust of the Great Depression. It did not "cure" the depression—it took a world war to do that—but it profoundly eased the depression's cruel impact upon millions of families and it helped greatly, maybe decisively, to stabilize a severely shaken social structure. Ten to twelve million jobless men—that was the score in 1932–1935—with their families sunk for a year or more to varying depths of suffering and hopelessness can shake a social structure pretty severely. Then, as now, there were marches, demonstrations and bloody confrontations with the cops.

The Hoover Administration had refused as a matter of principle and morality to do anything directly to alleviate unemployment and its attendant destitution. Early in the tempestuous "hundred days" of the New Deal, President Roosevelt set up the Federal Emergency Relief Administration, and in the next year and a half funneled nearly a billion dollars out to the states (it wasn't called revenue-sharing then), most of it to be used simply as a dole to feed the hungry and house the homeless.

Hopkins argued, and the President in time agreed, that the dole was a dead-end. It was destructive of human dignity and enterprise and yielded no returns to the state. The way to fight unemployment, he said, was with jobs where a man (or woman) could earn his keep in the time-honored way by honest toil. The formula was work relief instead of direct relief.

The WPA was launched early in 1935, its bureaucratic fingers reaching into every city and county in the nation. By the end of 1940 it had spent over $10 billion, 80 percent of it in wages scaled approximately at prevailing rates: they averaged out to between $50 and $60 a month. (Believe it or not, that was, just barely, a "living wage.") These wages went to an average of 2.2 million otherwise jobless persons during each of those years, reaching a peak of 3.5 million late in 1938. Altogether, some 8 million individuals—equivalent to one-fifth of the nation's labor force—worked on WPA projects at some time or other between 1935 and the end of 1940.

What kind of work?

Most of the thousands of projects were devised locally. They covered just about every field of human endeavor and public need; roads, streets and sewers; parks, playgrounds and levees for flood control; repair and building of schools, jails and libraries. WPA white-collar workers taught thousands of illiterates to read and write, manned hundreds of public health centers and home nursing services, refurbished invaluable land- and tax-records from ancient courthouse basements, organized symphony orchestras and theatrical companies of at least passable professional caliber, wrote and published the incomparable American Guide Series in some thirty-odd volumes. Et cetera.

Let it be said that they also sometimes raked nonexistent leaves, built roads to nowhere, exhaustively researched the history of the safety pin and otherwise gave substance to the term, "boondoggle." And sure enough, politics reared its ugly head here and there in their midst. Reporter Thomas L. Stokes won a Pulitzer in 1939 for his expose of how the Democrats "bought" an election in Kentucky "with WPA money."

That is what seems so easy to remember about WPA. But one's catalogue should also include such durable monuments as New York's LaGuardia Airport and Jones Beach, which got their starts as WPA projects—as did Chicago's handsome lakefront park, St. Louis's impressive riverfront development, and the municipal recreation center in San Francisco's Acquatic Park. There are thousands of lesser monuments scattered across the land whose inscriptions have faded. No one ever claimed for WPA that it was the most efficient method of performing public works. Even so, the material return on the investment was substantial: things that urgently needed doing were done.

But WPA's big payoff was in the salvage

of human values; in preserving the work skills, the pride and the initiative of millions whose faith in the democratic process had worn dangerously thin. And that is the heart of the dilemma facing President Nixon today. His problem is not greatly different from Roosevelt's Billions of dollars are going down the welfare drain with scarcely visible returns, either in material or human terms. At the same time that people who can, and for the most part want to, work are swelling the relief rolls by thousands each week, local governments are curtailing essential services because they are too broke to hire the people to carry them on.

Skills, morale and faith in the democratic verifies are going down the drain, too. "Made work," as WPA jobs used to be called, is not the optimum solution to such a wastage. But name a better substitute until that happy day of "a full-employment economy" comes along.

[From the Wall Street Journal, Apr. 18, 1972]

WAS THE WPA REALLY SO AWFUL?

(By Paul Lancaster)

NEW YORK.—Through a program that gives local governments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitor arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

DESPERATE WORKERS

Today's unemployment rate of under 6% looks insignificant by the standards of the '30s, when as many as a quarter of all workers were jobless. Nevetheless, a susbtantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen, and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another, 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,00 miles of rural roads. They built or improved 8,000 parks and 12,000 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit. Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education programs. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

THE NEEDS OF TODAY

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA, coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

POSTELECTION CAMPAIGN CONTRIBUTION DISCLOSURE

Mr. BAYH. Mr. President, on April 25, there appeared in the CONGRESSIONAL RECORD a series of stories from the Dayton, Ohio, Journal Herald raising questions concerning the source of campaign funds received after my reelection to the Senate in 1968 and used to retire the deficit of that campaign. Although the law does not require disclosure of the sources of campaign funds received after an election, I ask unanimous consent to insert in the RECORD a list of post-election contributors and the amount each contributed. Earlier, in 1968, a list of contributors and the amounts contributed through election day was filed, in accordance with the legal requirements, with the county clerk of Huntington County, Ind.

In addition, although it is not required by law, it is my practice to place in the CONGRESSIONAL RECORD each year a personal financial disclosure listing all sources of income and outstanding obligations. My personal financial disclosure for calendar year 1969 appeared in the CONGRESSIONAL RECORD of August 7, 1970, and my personal financial disclosure for calendar year 1970 appeared in the CONGRESSIONAL RECORD of September 20, 1971. My disclosure for calendar year 1971 will again be inserted in the RECORD this year.

I believe my constituents have a right to know the sources of my personal income and my obligations. I have consistently supported campaign finance

disclosure and legislation to require public disclosure of the personal finances of Members of the House of Representatives and of the Senate. On May 17, 1971, I introduced a bill, S. 1885, which would require such disclosures and which I hope will become law.

Mr. President, the list of contributors and the amounts contributed which I ask unanimous consent to have inserted in the RECORD today, discloses that 1,757 individuals contributed $152,441.28. The largest contribution was $5,000, the smallest contribution was $1, and the average contribution was $86.76. In addition, $24,950.50 was received in conjunction with a gala on June 28, 1969, from the proceeds of cash sales of programs in the amount of $5,817; ticket sales at the door, $9,270; book sales, $625.50; campaign memorabilia sales, $1,135; and contributions placed in containers passed among the guests in the amount of $4,103. The total contributions are $177,381.78, including the cash receipts from the June 28 gala listed above.

I would like to apologize to some of my Republican friends who contributed to me in 1968 if the publication of this list causes them any embarrassment. I hope they will agree with me that it is essential that the questions raised by the Dayton Journal Herald concerning the sources of post-election contributions be answered.

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

List of contributors and amount contributed

[In dollars]

Russell G. D. Abell, Jeffersonville, Ind.: June 28, 1969 — 10
Mr. and Mrs. Sam Abels, Indianapolis, Ind.: Dec. 6, 1969 — 100
Action Committee for Rural Electrification, Washington, D.C.: Feb. 7, 1969 — 500
Lehman Adams, Jr., Indianapolis, Ind.: Feb. 1, 1969 — 100
AFGE Political Fund, Washington, D.C.: Feb. 9, 1969 — 100
Adriano A. Agana, M.D., Gary, Ind.: Dec. 6, 1969 — 100
Mary Aikens, Osgood, Ind.: June 28, 1969 — 100
Forrest Aldridge, Deputy, Ind.: June 28, 1969 — 20
David Alexander, Clinton, Ind.: June 28, 1969 — 20
Cornelius O. Alig, Jr., Indianapolis, Ind.:
June 28, 1969 — 200
Dec. 6, 1969 — 100
Mr. and Mrs. Wade Allbritten, Spencer, Ind.: June 28, 1969 — 20
J. Chester Allen, South Bend, Ind.: June 28, 1969 — 10
E. W. Allen, Richmond, Ind: February 1, 1969 — 50
Fred Allen, South Bend, Ind.: June 28, 1969 — 25
Jerome Allis, Jasper, Ind.: June 28, 1969 — 20
George Allison: November 6, 1968 — 37
Mrs. Alvin E. Almonrode, Saratoga, Ind.: June 28, 1969 — 10
Carl Altman, Seelyville, Ind.: June 28, 1969 — 10
Frank Amidei, North Judson, Ind.: June 28, 1969 — 10
Frank Anderson, Salem, Ind.: June 28, 1969 — 20
Kenneth L. Anderson, Indianapolis, Ind.: February 1, 1969 — 50
Wayne S. Anderson, Linden, Ind.: December 6, 1969 — 100
Nick Angel, Munster, Ind.: June 28, 1969 — 100
Herman E. Antle, Lebanon, Ind.: June 28, 1969 — 10
Ed Applegate, Bloomington, Ind.: June 28, 1969 — 20
John M. Armington, Columbus, Ind.: Feb. 1, 1969 — 100
Lewis S. Armstrong, Elkhart, Ind.: June 28, 1969 — 100
Mr. & Mrs. Russell Arndt, LaCrosse, Ind.:
Jan. 3, 1969 — 30
June 28, 1969 — 20
Mrs. Maxine Arnett, Greenfield, Ind.: Feb. 1, 1969 — 10
Clifford D. Arnold, LaPorte, Ind: June 28, 1969 — 10
E. G. Arnold, DuBois, Ind.:
Jan. 3, 1969 — 10
June 28, 1969 — 10
Howard Arnold, Portage, Ind.: June 28, 1969 — 10
Opal Atkinson, Orleans, Ind.: June 28, 1969 — 10
Delmar Auer, Columbia City, Ind.: June 28, 1969 — 10
Marcus Aurelius: Jan. 3, 1969 — 100
Hal R. Austin, Indianapolis, Ind.: Dec. 1, 1969 — 50
John Ax, Linton, Ind.: Jan. 3, 1969 — 100
Rene C. Aybar, Terre Haute, Ind.: Feb. 7, 1969 — 200
June 28, 1969 — 100
A. H. Bacci: Feb. 1, 1969 — 10
Robert L. Bach, Indianapolis, Ind.: June 28, 1969 — 50
Dec. 6, 1968 — 50
Joseph Bachman, Lanesville, Ind.: June 28, 1969 — 20
Mr. and Mrs. Herbert Backer, Indianapolis, Ind.:
Jan. 3, 1969 — 10
Dec. 6, 1969 — 100
Allan Baer, South Bend, Ind.: June 28, 1969 — 10
Frederick K. Baer South Bend, Ind.: Feb. 1, 1969 — 25
Edward J. Bair, Bloomington, Ind.: Feb. 7, 1969 — 20
Richard R. Baird, Clarksville, Ind.: June 28, 1969 — 15
Jim Baize, Indianapolis, Ind:
Jan. 3, 1969 — 500
June 28, 1969 — 40
Mrs. Charles W. Baker, Indianapolis, Ind.: June 28, 1969 — 10
Harold Baker, Seymour, Ind: June 28, 1969 — 20
Leroy Baker, Bloomington, Ind: June 28, 1969 — 25
Mrs. Robert Baker, Bloomington, Ind:
Jan. 3, 1969 — 15
June 28, 1969 — 10
Ralph Balbreath, Winamac, Ind.: June 28, 1969 — 10
Ideal Baldoni, South Bend, Ind.: June 28, 1969 — 50
Margaret Ball, Rockville, Ind.: June 28, 1969 — 10
Philip Ball, M.D., Muncie, Ind.: April 1969 — 25
Anita Bando, Portage, Ind.: June 28, 1969 — 10
E. J. Bannon, Lafayette, Ind:
Jan. 3, 1969 — 500
June 28, 1969 — 100
John A. Bardon, Plainfield, Ind.: June 28, 1969 — 5
Betty L. Baney, Fort Wayne, Ind.: June 28, 1969 — 2
Robert O. Barkley, Jr., South Bend, Ind.: Feb. 1, 1969 — 100
Maxine and Harold Barnett, Crawfordsville, Ind.: June 28, 1969 — 5
Dean L. Barnhart, Indianapolis, Ind.:
Jan. 3, 1969 — 20
Hugh A. Barnhart, Rochester, Ind.:
Feb. 1, 1969 — 25
June 28, 1969 — 10
John S. Barns, Gosport, Ind.: Feb. 1, 1969 — 10
Leslie J. Barron, Franklin, Ind.: June 28, 1969 — 10
Mrs. C. B. Barthold, Jeffersonville, Ind.: June 28, 1969 — 10
Frank Barton, Washington, D.C.: Feb. 9, 1969 — 50
Rev. James Barton, Liberty, Ind.:
Feb. 1, 1969 — 10
June 28, 1969 — 10
Hon. John J. Barton, Indianapolis, Ind.: June 28, 1969 — 100
Abe Baruff, Elwood, Ind.: June 28, 1969 — 10
Gloria Basendale, Plainfield, Ind.: June 28, 1969 — 5
Jim Bass, Washington, D.C.: Feb. 9, 1969 — 50
Ross Bass, Washington, D.C.: Feb. 9, 1969 — 250
Weston Bassett, Kokomo, Ind.: June 28, 1969 — 100
Howard Batman, Terre Haute, Ind.:
Jan. 3, 1969 — 500
July 7, 1969 — 500
Joe Baudino, Washington, D.C.: Feb. 9, 1969 — 50
Howard Baumgartner, Berne, Ind.: Feb. 1, 1969 — 25
Mr. and Mrs. Bernard Bayh, Spencer, Ind.: June 28, 1969 — 20
George Beamer, South Bend, Ind.: June 28, 1969 — 5
William Beard, Greensburg, Ind.: June 28, 1969 — 10
John Beasley, Muncie, Ind.: Apr. 1969 — 25
Mr. and Mrs. Richard Beavens, Indianapolis, Ind.; June 28, 1969 — 200
Addison M. Beavers, Boonville, Ind.: June 28, 1969 — 10
L. D. Bechtol, M.D., Noblesville, Ind.: Feb. 1, 1969 — 25
Frank Beck, Jan. 3, 1969 — 25
Marie Beck, Mount Summit, Ind.: June 28, 1969 — 10
Sigmund, J. Beck, Indianapolis, Ind.:
Feb. 1, 1969 — 50
June 28, 1969 — 100
Dec. 6, 1969 — 100
Herman D. Becker, Terre Haute, Ind.: Jan. 3, 1969 — 250
Leathel Beckham, Whitestown, Ind.: June 28, 1969 — 10
Berle Beckner, Bringhurst, Ind.: June 28, 1969 — 20
Geno Bedino, West Terre Haute, Ind.: June 28, 1969 — 50
Wayne Bedwell, Dugger, Ind.: Feb. 1, 1969 — 100
Stephen C. Beeler, Indianapolis, Ind.: Feb. 1, 1969 — 25
Ralph Behymer, Lebanon, Ind.: June 28, 1969 — 25
J. F. Beldon, Seymour, Ind.: June 28, 1969 — 5
Ed Bell, Indianapolis, Ind.: June 28, 1969 — 30
R. A. Bender, Ft. Wayne, Ind.: January 3, 1969 — 30
Robert R. Bennett, Terre Haute, Ind.: June 28, 1969 — 25
Sydney L. Berger, Evansville, Ind.: February 1, 1969 — 25
Esther Bergman: June 7, 1969 — 10
Mrs. Helen Berkshire, Indianapolis, Ind.: June 28, 1969 — 10
Arthur Berlin, Corydon, Ind.: June 28, 1969 — 25
Mr. and Mrs. Dave Berman, Indianapolis, Ind.: December 6, 1969 — 100
Phillip Berman, Allentown, Pa.: February 1, 1969 — 100
L. Cosby Bernard, Jr., Hammond, Ind.: December 6, 1969 — 100
Robert F. Berns, Rochester, Ind.: June 28, 1969 — 100
Harold Bernstein, February 1, 1969 — 250
Robert Berry, Washington, D.C.: February 9, 1969 — 100
Idola Best, Nappannee, Ind.: June 28, 1969 — 10
Leonard J. Betley, Indianapolis, Ind.:
February 1, 1969 — 50
June 28, 1969 — 10

Lucille Betson, Dana, Ind.: June 28, 1969 — 10
Richard S. Bibler, Ft. Wayne, Ind.: February 1, 1969 — 250
June 28, 1969 — 200
Vincent Bisesi, Martinsville, Ind.: June 28, 1969 — 10
Mrs. Omer C. Bixel, Plymouth, Ind.: June 28, 1969 — 25
Joe Blackburn, Greenwood, Ind.: June 28, 1969 — 10
C. M. Blair, January 3, 1969 — 75
Carroll Blanchor, Plainfield, Ind.: February 1, 1969 — 250
Stanley Blemke, South Bend, Ind.: January 3, 1969 — 30
Edward Block, Indianapolis, Ind.: December 6, 1969 — 200
Phillips D. Block, Jr., Pittsburgh, Pa.: Feb. 9, 1969 — 200
Mr. and Mrs. M. J. Bloomgarden, Indianapolis, Ind.: Dec. 6, 1969 — 100
Jerry Blue, Flora, Ind.: June 28, 1969 — 20
Sam Blue, Martinsville, Ind.: Jan. 3, 1969 — 30
Morris B. Blumberg, Terre Haute, Ind.: Jan. 3, 1969 — 30
June 28, 1969 — 200
A. A. Bocknowski, Crown Point, Ind.: June 28, 1969 — 10
Richard Bodiker, Sr., Veedersburg, Ind.:
June 28, 1969 — 10
Jan. 3, 1969
Sept. 4, 1969
Joseph Bolt, Indianapolis, Ind.: June 28, 1969 — 50
A. Dewey Bond, Washington, D.C.: Feb. 9, 1969 — 50
Norman Bonewitz, Huntington, Ind.: Jan. 3, 1969 — 10
William A. Booher, Logansport, Ind.: June 28, 1969 — 20
Max L. Boone, Sullivan, Ind.: June 28, 1969 — 10
Mrs. Eleanor Borshoff, Indianapolis, Ind.: June 28, 1969 — 10
Al Bostock, Jeffersonville, Ind.:
Feb. 7, 1969 — 100
June 28, 1969 — 20
Canby Bottorff, Charlestown, Ind.: June 28, 1969 — 10
Robert Bottorff, Jeffersonville, Ind.: June 28, 1969 — 10
John O. Bowers, Gary, Ind.:
Jan. 3, 1969 — 50
June 28, 1969 — 100
Dec. 6, 1969 — 100
Felson Bowman, Indianapolis, Ind.: June 28, 1969 — 100
Joseph W. Bowman, Rockville, Ind.: June 28, 1969 — 10
George M. Bowser, Warsaw, Ind.: June 28, 1969 — 50
Mrs. Russell Bowser, Michigan City, Ind.: June 28, 1969 — 5
Otis Bracher, Boonville, Ind.: June 28, 1969 — 5
M. H. Brackman, Rockport, Ind.: June 28, 1969 — 25
T. Brooks Brademas, South Bend, Ind.: Jan. 3, 1969 — 500
Hon. John Brademas, Washington, D.C.: June 28, 1969 — 25
Wayne Bradley, Washington, D.C.: Feb. 9, 1969 — 50
John I. Bradshaw, Jr., Indianapolis, Ind.:
Jan. 3, 1969 — 5
Dec. 6, 1969 — 100
William J. Braid, Greensburg, Ind.: June 28, 1969 — 10
Allen Brandt: Feb. 1, 1969 — 50
Paul Branson, Indianapolis, Ind.: June 28, 1969 — 10
Mr. and Mrs. William Brattain: June 28, 1969 — 20
Charles A. Boggs, Veedersburg, Ind.:
June 28, 1969 — 10
Jan. 3, 1969 — 20
Sept. 4, 1969 — 10
Leo Braun, Loogootee, Ind.: June 28, 1969 — 10
Adeline Brengle: Jan. 3, 1969 — 25
W. A. Brennan, Jr., Indianapolis, Ind: Jan. 3, 1969 — 250
Dec. 6, 1969 — 500
Elliott H. Brenner, Lafayette, Ind.: Feb. 1, 1969 — 25
Geraldine Brewer, Monticello, Ind.: June 28, 1969 — 5
Dale G. Brickner, Bloomington, Ind.: June 28, 1969 — 25
Dick Brickson, Indianapolis, Ind.: June 28, 1969 — 10
Cylde Bridge, Monticello, Ind.: June 28, 1969 — 25
Warner Brock, Jeffersonville, Ind.: June 28, 1969 — 10
Bernard Broeker, Bethlehem, Penn.: Feb. 12, 1969 — 100
Mace Broide, Washington, D.C.: Feb. 2, 1969 — 50
Richard F. Bronnenberg, Muncie, Ind.: Apr. 1969 — 25
James E. Brooks, Fort Wayne, Ind.: Jan. 3, 1969 — 25
Robert F. Brooks, Fort Wayne, Ind.: Jan. 3, 1969 — 250
Rufus R. Brooks, Indianapolis, Ind.: June 28, 1969 — 5
David Brower, Jan. 3, 1969 — 10
Harry C. Brown, June 28, 1969 — 10
Irving Brown, South Bend, Ind.: Feb. 1, 1969 — 100
James C. Brown, Bedford, Ind.: June 28, 1969 — 10
John Brown, Bringhurst, Ind.: June 28, 1969 — 20
Phillip W. Brown, Shelbyville, Ind.: June 28, 1969 — 10
Ralph Brown, Washington, D.C.: Feb. 2, 1969 — 50
William Brown, Indianapolis, Ind.: June 28, 1969 — 100
Maxine Broydon, Monticello, Ind.: June 28, 1969 — 30
Glen Broyles, Plainfield, Ind.: June 28, 1969 — 10
Brumbach & Lamb: Feb. 1, 1969 — 10
Carl H. Brummett, Nashville, Ind.: June 28, 1969 — 10
W. Brunton, Scottsburg, Ind.:
June 28, 1969 — 10
Aug. 1, 1969 — 25
Mr. and Mrs. Karol Bryan, Portland, Ind.: June 28, 1969 — 10
John B. Buckley, Elkhart, Ind.: Feb. 1, 1969 — 100
Mr. and Mrs. Richard Bump, Muncie, Ind.: Apr. 1969 — 10
Dick Bunch: Feb. 1, 1969 — 25
Edward Burch, Loogootee, Ind.: June 28, 1969 — 5
H. Ross Burch, Bedford, Ind.: June 28, 1969 — 10
James E. Burch, Loogootee, Ind.: June 28, 1969 — 300
Sheron Burch, Bedford, Ind.: June 28, 1969 — 10
Howard L. Burcham, Vallonia, Ind.: June 28, 1969 — 25
Lawrence and Margaret Burgmeier, North Vernon, Ind.:
Feb. 1, 1969 — 50
June 28, 1969 — 50
Ethel Burk, North Vernon, Ind.: Jan. 3, 1969 — 20
Charles P. Burke, Bedford, Ind.: June 28, 1969 — 25
Judge Ernie S. Burke, Indianapolis, Ind.: Feb. 1, 1969 — 50
Mr. and Mrs. Robert Burke, Monticello, Ind.: June 28, 1969 — 50
Wayne F. Burke, Indianapolis, Ind.: June 28, 1969 — 50
Marvin L. Burkett, Ladoga, Ind.:
June 28, 1969 — 150
Dec. 6, 1969 — 100
Mr. and Mrs. Jack Burkhalter, Delphi, Ind.: June 28, 1969 — 20
James Burks, Indianapolis, Ind.: Jan. 3, 1969 — 30
J. K. Burns, Gosport, Ind.: June 28, 1969 — 20
John S. Burns, New York, N. Y.: February 7, 1969 — 10
John Burrough, Lucerne, Ind.:
February 12, 1969 — 50
November 17, 1969 — 100
Bryce Burton, Rochester, Ind.: June 28, 1969 — 100
Judy Burton, Rochester, Ind.: June 28, 1969 — 100
Milton Burton, Mishawaka, Ind.:
February 1, 1969 — 25
June 28, 1969 — 10
December 6, 1969 — 15
John Buscher, Washington, D.C.: February 9, 1969 — 50
Mr. and Mrs. Warren Buser, Roachdale, Ind.:
January 3, 1969 — 30
June 28, 1969 — 10
Mrs. John Bush, Washington, D.C.: February 9, 1969 — 50
Ralph Bush: February 1, 1969 — 100
Abie Bushing: February 1, 1969 — 10
Ted Bushman: February 1, 1969 — 100
Brown and Hahn Butler, Indianapolis, Ind.: June 28, 1969 — 50
Gary Lee Butler, Lawrenceburg, Ind.: June 28, 1969 — 40
Jean Butler, Falling Waters, W. Va.: February 1, 1969 — 100
Patrick H. Butler, Indianapolis, Ind.: December 6, 1969 — 100
Philip Butler, Auburn, Ind.: December 6, 1969 — 100
Don W. Buttrey, Indianapolis, Ind.: December 6, 1969 — 100
William C. Byers, Fort Wayne, Ind.: June 28, 1969 — 10
Donald Byrdsong, Indianapolis, Ind.: June 28, 1969 — 100
Robert Byrdsong, Indianapolis, Ind.: June 28, 1969 — 2
John A. Cabell, Corydon, Ind.: June 28, 1969 — 20
Mr. and Mrs. Bruce D. Cabell, W. Lafayette, Ind.: June 28, 1969 — 10
Douglas E. Cain, Charlestown, Ind.: June 28, 1969 — 10
Lewis S. Caldwell, Bentonville, Ind.: June 28, 1969 — 10
Marge Caley, Uniondale, Ind.: June 28, 1969 — 10
Thomas H. Calhan, New Ross, Ind.: Feb. 1, 1969 — 20
Bernice Calhoun, North Vernon, Ind.: June 28, 1969 — 5
Charles W. Cameron, Kokomo, Ind.: Feb. 1, 1969 — 20
Georgia Campbell, Veedersburg, Ind.: June 28, 1969 — 37
Malcolm Campbell, Sullivan, Ind.: June 28, 1969 — 25
Robert Campbell, Lebanon, Ind.: June 28, 1969 — 20
Forrest R. Camplin, Wilkinson, Ind.: June 28, 1969 — 10
G. L. Canfield, Carmel, Ind.: Feb. 1, 1969 — 250
Mr. and Mrs. Floyd Cantrell, New Castle, Ind.: Feb. 7, 1969 — 30
Mortimer Caplin, Washington, D.C.: Feb. 9, 1969 — 50
Ernest M. Carbon, Cincinnati, Ohio: Jan. 3, 1969 — 50
Mr. and Mrs. Thomas Carey, Muncie, Ind.: Apr. 1969 — 10
Evelyn J. Carlile, Crawfordsville, Ind.: June 28, 1969 — 5
Ernest Carmichael, Marietta, Ga.: Jan. 3, 1969 — 500
Ralph Carmichael, Bedford, Ind.: June 28, 1969 — 50
Mr. and Mrs. Don L. Carnall, Bluffton, Ind.: Feb. 1, 1969 — 25
Joseph Carney, Jr., Anderson, Ind.: Feb. 1, 1969 — 50
Cliff Carter, Washington, D.C.: Feb. 9, 1969 — 500
Mary L. Caudell, Fortville, Ind.: June 28, 1969 — 20

List of contributors and amount—Continued

[In dollars]

Ruth Cavanaugh, Valparaiso, Ind.: June 28, 1969 — 10
James A. Caywood: Feb. 9, 1969 — 100
Virgil Cesinger, Terre Haute, Ind.: June 28, 1969 — 10
Mrs. Frances E. Chambers, Coatesville, Ind.: June 28, 1969 — 10
Raymond Channaberry, Jeffersonville, Ind.: June 28, 1969 — 10
John Chapman: Feb. 9, 1969 — 500
Willard H. Chester, Elkhart, Ind.: Feb. 1, 1969 — 50
June 28, 1969 — 25
Austin B. Childress, Spencer, Ind.: June 28, 1969 — 20
Mrs. Russell Chowning, Shelburn, Ind.: June 28, 1969 — 10
Alexander Christie, Washington, D.C.: Feb. 9, 1969 — 50
Jeannette Church, Greenwood, Ind.: June 28, 1969 — 10
Blair Clark, Washington, D.C.: Feb. 9, 1969 — 100
Don Clark, Nashville, Ind.: June 28, 1969 — 10
Donald Clark, Bloomington, Ind.: Feb. 1, 1969 — 30
Mrs. Johnie Clarks, Indianapolis, Ind.: June 28, 1969 — 10
Dave Clem, Bringhurst, Ind.: June 28, 1969 — 40
Melberta, Clerget, Chalmers, Ind.: June 28, 1969 — 10
Mr. and Mrs. Edward E. Clifton, Crawfordsville, Ind.:
Feb. 1, 1969 — 10
June 28, 1969 — 10
Fred Cline, Indianapolis, Ind.: Dec. 6, 1969 — 100
Jack N. Cochran, Sullivan, Ind.: Feb. 1, 1969 — 250
Kenneth Cochran, Flat Rock, Ind.: Feb. 1, 1969 — 20
John A. Cody, New Albany, Ind.: Feb. 7, 1969 — 50
R. E. Coffey, South Bend, Ind.: Feb. 1, 1969 — 100
Alvin Cohen, Indianapolis, Ind.: December 6, 1969 — 25
Mr. and Mrs. Arthur Cohen, Indianapolis, Ind.: December 6, 1969 — 100
Jere Cohen, Bloomington, Ind.: June 28, 1969 — 10
Merrill K. Cohen, Indianapolis, Ind.: February 7, 1969 — 100
Albert H. Cole, Peru, Ind.: December 6, 1969 — 25
Clarence Cole, January 3, 1969 — 5
Sara and Eugene Cole, Indianapolis, Ind.: June 28, 1969 — 20
Charles Cole, South Bend, Ind.: February 1, 1969 — 250
James O. Cole, Peru, Ind.: February 1, 1969 — 75
Martin D. Cole, Indianapolis, Ind.: June 28, 1969 — 10
Mr. Ray Colglazier, Salem, Ind.: June 28, 1969 — 60
Earl Collins, Indianapolis, Ind.: June 28, 1969 — 10
Henry Collins, Muncie, Ind.: June 28, 1969 — 25
April 4, 1969 — 5
Ralph W. Collins, Portage, Ind.: June 28, 1969 — 5
February 1, 1969 — 25
Gertrude B. Combs, Frankfort, Ind.: June 28, 1969 — 10
Paul Comstock, Washington, D.C.: February 9, 1969 — 50
C. Thomas Cone, Greenfield, Ind.: June 28, 1969 — 100
Richard Congleton, Washington, D.C.: February 9, 1969 — 100
William J. Conlin, Jeffersonville, Ind.: June 28, 1969 — 10
Mr. and Mrs. Franklin Connelly, Cincinnati, Ohio: June 28, 1969 — 50
Daniel G. Conner, Jeffersonville, Ind.: June 28, 1969 — 10
W. W. Conover, Terre Haute, Ind.: June 28, 1969 — 10
Lex Consert, Washington, D.C.: Feb. 9, 1969 — 50
Mrs. David Cook, Indianapolis, Ind.: Feb. 1, 1969 — 25
December 6, 1969 — 100
June 28, 1969 — 25
Honorable Paul Cooley, Muncie, Ind: June 28, 1969 — 100
February 1, 1969 — 200
Seymour Cooper, Shoals, Ind.: June 28, 1969 — 1
J. P. Coplen, Logansport, Ind.: June 28, 1969 — 100
Jim Corcoran, Washington, D.C.: Feb. 9, 1969 — 100
Tom Corcoran, Washington, D.C.: Feb. 9, 1969 — 250
Jesse Core: Jan. 3, 1969 — 75
Keith Cornelison, Terre Haute, Ind.: June 28, 1969 — 10
Don J. Corriden, Indianapolis, Ind.: Feb. 1, 1969 — 100
Thomas A. Cortese, M.D., Indianapolis, Ind.: June 28, 1969 — 100
Dale B. Cos, Indianapolis, Ind.: June 28, 1969 — 20
J. L. Costin, Crown Point, Ind.: June 28, 1969 — 100
Frank Cotter, Washington, D.C.: Feb. 9, 1969 — 50
Claudia Cotton, Berne, Ind.: Jan. 3, 1969 — 15
Dr. J. Harry Cotton, Crawfordsville, Ind.: June 28, 1969 — 20
James C. Courtney, Indianapolis, Ind.: June 28, 1969 — 110
B. C. Cox, Plainfield, Ind.: June 28, 1969 — 5
Raymond Crain, Flora, Ind.: June 28, 1969 — 20
Daniel E. Crammer, Jeffersonville, Ind.: June 28, 1969 — 10
Roberta D. Crane, West Lebanon, Ind.: June 28, 1969 — 10
Daniel E. Crammer, Jeffersonville, Ind.: June 28, 1969 — 10
Chester W. Crates, Monroeville, Ind.: June 28, 1969 — 25
Jim Crawford, Indianapolis, Ind.: June 28, 1969 — 10
Albert E. Crayden, Ramsey, Ind.: June 28, 1969 — 15
Louise Crim, Shoals, Ind.: June 28, 1969 — 10
W. C. Crimmins, Van Buren, Ind.: Feb. 1, 1969 — 200
Charles L. Crist, Clay City, Ind.: June 28, 1969 — 10
Wayne A. Crockett, M.D., Terre Haute, Ind.: June 28, 1969 — 25
Robert P. Cronin, Indianapolis, Ind.: Dec. 6, 1969 — 100
June 28, 1969 — 100
Kenneth Crosby, Washington, D.C.: Feb. 9, 1969 — 50
T. S. Cross, Freetown, Ind.: June 28, 1969 — 10
Jane Crowder, Jan. 3, 1969 — 5
Christina Crowe, Orleans, Ind.: June 28, 1969 — 10
Eugene Crowe, Bedford, Ind.:
June 28, 1969 — 100
Feb. 1, 1969 — 500
Dec. 6, 1969 — 150
Henry Crown, Chicago, Ill.: Feb. 18, 1969 — 1,000
Dr. and Mrs. R. H. Cullop, Pine Village, Ind.: June 28, 1969 — 50
Curtis Culver, Terre Haute, Ind.:
Jan. 3, 1969 — 30
June 28, 1969 — 25
Mr. and Mrs. John F. Cummings, Rockville, Ind.:
June 28, 1969 — 50
Dec. 6, 1969 — 100
Mr. and Mrs. Ray Cummings, Rockville, Ind.: June 28, 1969 — 50
Gordon Cunningham: June 28, 1969 — 10
James Cunningham, Indianapolis, Ind.: June 28, 1969 — 100
Mr. Clarence Curley, St. Mary of the Woods, Ind.: June 28, 1969 — 25
Thomas A. Curley, W. Terre Haute, Ind.: June 28, 1969 — 25
John A. Curry, Terre Haute, Ind.: June 28, 1969 — 25
Anna Mae Dages, Montgomery, Ind.: June 28, 1969 — 20
John P. Daley, LaPorte, Ind.: June 28, 1969 — 10
Jack R. Dalton, Indianapolis, Ind.: June 28, 1969 — 200
R. E. Daley, Gary, Ind.: June 28, 1969 — 100
Albert R. Danner, Jeffersonville, Ind.: June 28, 1969 — 10
Mrs. Rose Marie Darling, Guilford, Ind.: June 28, 1969 — 5
Benner E. Davenport, Indianapolis, Ind.: June 28, 1969 — 25
Mrs. Dale Davenport, Morgantown, Ind.: June 28, 1969 — 10
Mrs. Dick Davenport, Morgantown, Ind.: June 28, 1969 — 10
Mr. David A. David, Indianapolis, Ind.: June 28, 1969 — 100
Dec. 6, 1969 — 100
S. Spencer Davids, Washington, D.C.: Feb. 9, 1969 — 100
Mr. and Mrs. Fred Davidson, Indianapolis, Ind.: Dec. 6, 1969 — 100
Mr. and Mrs. Herbert Davidson, Indianapolis, Ind.: Dec. 6, 1969 — 100
Ida Davidson, Marion, Ind.: June 28, 1969 — 10
Richard Davidson, Crawfordsville, Ind.: June 28, 1969 — 10
Alice Davis, Indianapolis, Ind.: June 28, 1969 — 75
Barry Davis: Feb. 1, 1969 — 10
David R. Davis, Indianapolis, Ind.: Dec. 6, 1969 — 100
Fred Davis, Washington, D.C.: Feb. 9, 1969 — 100
Mr. and Mrs. Marshall Davis, Sr., New Castle, Ind.:
Feb. 1, 1969 — 500
June 28, 1969 — 100
Henry F. DeBoest, Indianapolis, Ind.: Feb. 1, 1969 — 50
Rex DeHaven, Huntington, Ind.: June 28, 1969 — 20
Lemuel DeWeese III, West Lafayette, Ind.: June 28, 1969 — 10
Charles DeVault, West Point, Ind.: February 1, 1969 — 25
James DeVault, Jr., Romney, Ind.: February 1, 1969 — 100
Paul J. DeVault, Indianapolis, Ind.: February 6, 1969 — 200
W. A. Deahl, South Bend, Ind.: June 28, 1969 — 50
Mrs. Doris Deatline, Indianapolis, Ind.: June 28, 1969 — 10
Sanford Deckard, Shaols, Ind.: June 28, 1969 — 10
Bernice Deck: January 3, 1969 — 30
Leston Deckard, Morgantown, Ind.: June 28, 1969 — 10
Dale Decker, Bluffton, Ind.: June 28, 1969 — 10
Richard Elliott Deer, Indianapolis, Ind.: January 3, 1969 — 30
Richard Elliott Deer, Indianapolis, Ind.: June 28, 1969 — 10
Walter DeLisle, Vincennes, Ind.: February 1, 1969 — 100
Robert Stewart, chairman, Delaware County Democratic Central Committee, Muncie, Ind.: February 1, 1969 — 1,150
Richard Del, Washington, D.C.: February 9, 1969 — 800
Albert Deluse, Indianapolis, Ind.: January 3, 1969 — 30
Dem. for Good Government, Aurora, Ind.: June 28, 1969 — 10
Democratic Women's Club of Allen County, Fort Wayne, Ind.: June 28, 1969 — 20

Robert Denninger: January 3, 1969 100
John Derksen, Sr., South Bend, Ind.: June 28, 1969 10
T. P. Derlock, Washington, D.C.: February 9, 1969 50
Claude DeSautels, Washington, D.C.: February 9, 1969 50
Jesse J. Dewell, Seymour, Ind.: June 28, 1969 10
Martina DiPlatti, Lawrenceburg, Ind.: June 28, 1969 10
John S. Diaz, Portage, Ind.: Jan. 3, 1969 10
June 28, 1969 10
Allen Dibble, W. Lafayette, Ind.: Feb. 1, 1969 50
Thelma Dickerson, Crawsfordville, Ind.: June 28, 1969 20
T. E. Dill, Francisco, Ind.: Feb. 1, 1969 25
Mr. John J. Dillon, Indianapolis, Ind.: June 28, 1969 100
Frank Diluzzo, Los Angeles, Calif.: June 7, 1969 25
Mr. and Mrs. George Dolby, Huntington, Ind.: June 28, 1969 10
Mr. Ben Domont, Indianapolis, Ind.: Feb. 7, 1969 200
Dec. 6, 1969 100
Keith Donaldson, Freetown, Ind.: June 28, 1969 10
Clarence Doninger, Indianapolis, Ind.: June 28, 1969 10
Jiggs Donohue, Washington, D.C.: Feb. 9, 1969 50
James F. Donovan, Feb. 1, 1969 100
Joseph P. Donovan, Warsaw, Ind.: Feb. 9, 1969 10
June 28, 1969 25
Mr. Reuben Dooley, Rockville, Ind.: June 28, 1969 20
John Doran, Cincinnati, Ohio: Jan. 3, 1969 30
Lawrence Dorrell, Greenwood, Ind.: June 28, 1969 10
Bonnie Dorsey, Frankfort, Ind.: June 28, 1969 10
Thomas C. Dorste, Indianapolis, Ind.: June 28, 1969 25
Dec. 6, 1969 100
Mr. and Mrs. James Dosey, Fort Wayne, Ind.: Dec. 6, 1969 100
Mr. Cleon Doty, Greenwood, Ind.: Feb. 1, 1969 25
June 28, 1969 10
John Douglas, Washington, D.C.: Feb. 9, 1969 100
Rex Douglas, Markle, Ind.: June 28, 1969 10
Edna Dow, Shelbyville, Ind.: June 28, 1969 10
Vera Downs: Jan. 3, 1969 5
Charles Drake, Fairbanks: June 28, 1969 20
Merle Drake, Decatur, Ind.: June 28, 1969 10
William T. Duboc, Muncie, Ind.: Feb. 1, 1969 100
Henry A. Dudley, Washington, D.C.: Feb. 9, 1969 50
Robert Duncan, Rensselaer City, Ind.: June 28, 1969 10
Robert V. Duncan: Feb. 1, 1969 50
Ray E. Dunn, Gary, Ind.: Feb. 1, 1969 250
June 28, 1969 200
Dec. 6, 1969 100
Stephen Dunn, Washington, D.C.: Feb. 9, 1969 50
Mr. Frank Durham, Greencastle, Ind.: Feb. 7, 1969 100
Larry Durocher: Feb. 1, 1969 100
Lawrence Dux, Jeffersonville, Ind.: June 28, 1969 10
Oscar Dystel, Rye, N.Y.: Jan. 3, 1969 30
Fay Eads, Hammond, Ind.: Feb. 1, 1969 100
David Easlick, Indianapolis, Ind.: June 28, 1969 100
H. R. Ebehard, Goshen, Ind.: June 28, 1969 5
James E. Eckman, Anderson, Ind.: June 28, 1969 50
Richard Eckrich, Fort Wayne, Ind.: Feb. 7, 1969 50
Al Edelson, Washington, D.C.: Feb. 9, 1969 50
T. K. Edenfield, Atlanta, Ga.: Feb. 1, 1969 10
Samson Eder, South Bend, Ind.: Feb. 1, 1969 10
Willard F. Edmonson, Clayton, Ind.: Jan. 3, 1969 10
June 28, 1969 10
Paul Pete Edwards, Bedford, Ind.: June 28, 1969 50
Mr. and Mrs. Charles Efroymson, Indianapolis, Ind.: Feb. 1, 1969 20
Dec. 6, 1969 25
C. R. Eger, South Bend, Ind.: June 28, 1969 100
Charles Eichhorn, Uniondale, Ind.: June 28, 1969 25
Fred Eichhorn, Jan. 3, 1969 10
Von Eichhorn, Uniondale, Ind.: June 28, 1969 200
Harry Einstandig, Indianapolis, Ind.: Dec. 6, 1969 100
Dr. and Mrs. Jack Eisaman, Bluffton, Ind.: June 28, 1969 10
Bob Ellett, Franklin, Ind.: June 28, 1969 10
Mrs. Forrest Elliot, Portland, Ind.: June 28, 1969 50
Mr. Hubert Ellis Hazelton, Ind.: June 28, 1969 100
Edward Ellison, Bedford, Ind.: June 28, 1969 10
Mr. R. E. Ellison, Muncie, Ind.: June 28, 1969 25
Elmer Enyeart, Huntington, Ind.: June 28, 1969 20
Charles Epler, Rensselaer, Ind.: June 28, 1969 30
Joseph Erdelac, Portage, Ind.: June 28, 1969 10
Judy Erwin, Loogootee, Ind.: June 28, 1969 10
Robert M. Estes, Apr. 17, 1969 25
Beulah Evans, Evansville, Ind.: June 28, 1969 100
Samuel Ewing, Washington, D.C.: Feb. 9, 1969 25
Michael Faikel, Portage, Ind.: June 28, 1969 10
Virginia Fairchild, Uniondale, Ind.: June 28, 1969 100
Mr. and Mrs. Frederick Falender, Indianapolis, Ind.: Dec. 6, 1969 10
Don Fedder: Feb. 1, 1969 10
Henry Fein, South Bend, Ind.: June 28, 1969 5
J. Ralph Fenstermaker, Indianapolis, Ind.: Feb. 1, 1969 20
Mr. and Mrs. Dan Fenwane, Portage, Ind.: June 28, 1969 10
Frank Fenwick, Goodland, Ind.: Feb. 1, 1969 100
June 28, 1969 50
Marvel Fenwick, Goodland, Ind.: June 28, 1969 10
Thomas Ferguson, Washington, D.C.: June 7, 1969 50
Dr. Sam Ferrara, Peru, Ind.: June 28, 1969 250
V. Thomas Fettig, Seymour, Ind.: June 28, 1969 200
Mrs. Albert Fields, Bedford, Ind.: June 28, 1969 100
Ronald E. Filler, Auburn, Ind.: June 28, 1969 100
Milton J. Fineberg, Indianapolis, Ind.: June 28, 1969 10
Mrs. Sonia Fink, Indianapolis, Ind.: Dec. 6, 1969 30
Charles and Evelyn Fisher, Winamac, Ind. 46996: June 28, 1969 100
Earl Fisher, Chandler, Ind.: June 28, 1969 5
Jess Fisher, Washington, D.C.: Feb. 9, 1969 50
Roscoe Fisher, Monticello, Ind.: Feb. 1, 1969 50
Mr. and Mrs. Walter Fisher, Muncie, Ind.: April, 1969 50
June 28, 1969 10
Sam Fishman, Louisville, Ky.: Jan. 3, 1969 10
Floyd Fithian, Lafayette, Ind.: June 28, 1969 100
F. A. Fitzpatrick: Jan. 3, 1969 10
Otis Fitzwater, Indianapolis, Ind.: June 28, 1969 10
John Fleck, Indianapolis, Ind.: Feb. 1, 1969 100
Feb. 9, 1969 150
Mr. Thomas Fleming, Martinsville, Ind.: June 28, 1969 100
Charles Flora, Delphi, Ind.: June 28, 1969 10
Elinor Flora, Flora, 46929: June 28, 1969 10
Raymond Flora, Elwood, Ind.: June 28, 1969 25
Frank Flowers, Washington, D.C.: Feb. 9, 1969 10
Frank P. Flynn, Jr., Lafayette, Ind.: Feb. 1, 1969 10
Martin Flynn, Washington, D.C.: Feb. 9, 1969 50
Robert Foist, Columbus, Ind.: June 28, 1969 100
Robert D. Foist, Columbus, Ind.: June 28, 1969 10
Ed Foley, Washington, D.C.: Feb. 9, 1969 25
Horace A. Foncannon, Jr., Vincennes, Ind.: June 28, 1969 10
Jack G. Ford, Michigan City, Ind.: June 28, 1969 10
Mr. Jesse Ford, Roachdale, Ind.: June 28, 1969 10
Robert D. Miller, Waterloo, Ind.: June 28, 1969 25
Betty Lou Foreman, Indianapolis, Ind.: June 28, 1969 10
Raymond G. Forkner, Rushville, Ind.: June 28, 1969 50
William L. Fortune, Indianapolis, Ind.: June 28, 1969 20
William Fortin, Plymouth, Ind.: June 28, 1969 200
F. W. Fortuna, Beech Grove, Ind.: June 28, 1969 10
Kenneth Foster, Indianapolis, Ind.: June 28, 1969 10
David J. Fox, Indianapolis, Ind.: Feb. 1, 1969 100
John L. Fox, Indianapolis, Ind.: June 28, 1969 10
Sm. F. Fox, Indianapolis, Ind.: June 28, 1969 10
Lipot Frankovitz, Indianapolis, Ind.: Dec. 6, 1969 25
Arthur Franza, Fort Lauderdale, Fla.: Feb. 1, 1969 20
James Frazier: Jan. 3, 1969 100
Victor and Ruby Frazier, Elwood, Ind.: June 28, 1969 25
William Fredenberger: Jan. 3, 1969 10
John P. Frederick, Kokomo, Ind.:, Feb. 1, 1969 25
L. I. Freeland, Fowler, Ind.: June 28, 1969 10
James O. Freese, Franklin, Ind.: June 28, 1969 15
Mr. and Mrs. Eugene Freidman, Indianapolis, Ind.: Dec. 6, 1969 50
Hans T. French, Indianapolis, Ind.: Feb. 1, 1969 25
June 7, 1969 10
Otto Frenzel, Indianapolis, Ind.: Dec. 6, 1969 500
Arthur Fruechtenicht, Fort Wayne, Ind.: Aug. 14, 1969 50
Bernard W. Freund, Muncie, Ind.: April 1969 50

List of contributors and amount—Continued

[In dollars]

Merril B. Frick, Wawaka, Ind.: Feb. 1, 1969 ---------- 50
Florence Frierson, Indianapolis, Ind.: June 28, 1969 ---------- 20
Fred Frisch, Indianapolis, Ind.: Dec. 6, 1969 ---------- 100
Ken Fryar, Michigan City, Ind.: June 28, 1969 ---------- 25
Ralph F. Fuchs, Bloomington, Ind.: June 28, 1969 ---------- 10
Jeanne Funcheon: April 17, 1969 ---------- 50
James W. Funk, Vincennes, Ind.: Feb. 1, 1969 ---------- 25
Mr. and Mrs. Albert M. Gable, Plainfield, Ind.: June 28, 1969 ---------- 10
George F. Gable, Ft. Wayne, Ind.: June 28, 1969 ---------- 25
Helen B. Gable, Colfax, Ind.: June 28, 1969 ---------- 10
Richard L. Gable, Colfax, Ind.: June 28, 1969 ---------- 10
Victor Gainbaiani, Blanford, Ind.: June 28, 1969 ---------- 10
Truman Gaines, Valparaiso, Ind.: June 28, 1969 ---------- 50
John J. Galbreath, Winamac, Ind.: June 28, 1969 ---------- 25
James Galliger, Clinton, Ind.: June 28, 1969 ---------- 100
Russell Gallahan, Peru, Ind.: Dec. 6, 1969 ---------- 100
Mr. Victor Gallivan, Bluffton, Ind.: June 28, 1969 ---------- 100
Thomas A. Gallmeyer, Ft. Wayne, Ind.: Jan. 3, 1969 ---------- 100
Gilbert W. Gambill, Jr., Terre Haute, Ind.: Feb. 7, 1969 ---------- 25
Jack Gambrell, Vincennes, Ind.: Jan. 3, 1969 ---------- 50
C. Robert Gamrath, Kokomo, Ind.: June 28, 1969 ---------- 25
Harry D. Gamrath, Kokomo, Ind.: June 28, 1969 ---------- 25
Richard H. Gamrath, Kokomo, Ind.: June 28, 1969 ---------- 25
Thelma M. Gamrath, Kokomo, Ind.: June 28, 1969 ---------- 25
Dr. and Mrs. Max Ganz, Marion, Ind.: Dec. 6, 1969 ---------- 100
Ernest Garlock, Freetown, Ind.: June 28, 1969 ---------- 10
Dr. William Garner, New Albany, Ind.: Jan. 3, 1969 ---------- 50
Albert Garnitz, South Bend, Ind.: Jan. 3, 1969 ---------- 100
Wendell S. Garrett, Indianapolis, Ind.: Jan. 3, 1969 ---------- 25
R. F. Garrettson, Jr., Michigan City, Ind.: June 28, 1969 ---------- 50
Tommy Gee, Peru, Ind.: June 28, 1969 ---------- 25
Stephen and Caroline Gentry, Crawfordsville, Ind.: June 28, 1969 ---------- 5
Lyle and Nancy Gerber, Marion, Ind.: June 28, 1969 ---------- 10
Richard P. Gerhard, Kokomo, Ind.: June 28, 1969 ---------- 10
Steve Gersack, Gary, Ind.: June 28, 1969 ---------- 100
Mr. and Mrs. Joe Gerson, Ft. Wayne, Ind.:
Jan. 3, 1969 ---------- 200
June 14, 1969 ---------- 200
William Eugene Gervasio, Indianapolis, Ind.: Jan. 3, 1969 ---------- 100
Honorable Elton H. Geshwiler, Beech Grove, Ind.: June 28, 1969 ---------- 100
John G. Gettinger, Sullivan, Ind.: Feb. 7, 1969 ---------- 100
Bernie Gewirz, Washington, D.C.: Feb. 9, 1969 ---------- 50
Joe Giacoletto, Clinton, Ind.: June 28, 1969 ---------- 50
Robert R. Giacoletti, Dana Ind.: June 28, 1969 ---------- 50
Gibson County Democratic Committee, Oakland City, Ind.: June 28, 1969 ---------- 50
Dan Gibson, Plymouth, Ind.: June 28, 1969 ---------- 25
Leroy Gierhart, Bryant, Ind.: June 28, 1969 ---------- 5
John Gigeric, Indianapolis, Ind.: June 28, 1969 ---------- 25
Milton Gilbert, Teanech, N.J.: Dec. 7, 1968 ---------- 5,000
Paul Gilbert, South Bend, Ind.: Jan. 3, 1969 ---------- 300
Harold Gilliand, Waveland, Ind.: June 28, 1969 ---------- 20
Harry Gilman, Feb. 1, 1969 ---------- 50
G. V. Ginger, Indianapolis, Ind.:
June 28, 1969 ---------- 50
Jan. 3, 1969 ---------- 100
William P. Givens, Muncie, Ind.: Jan. 3, 1969 ---------- 100
Joseph Gizzinders, Jan. 3, 1969 ---------- 30
Zelma Gladden, Scottsburg, Ind.: June 28, 1969 ---------- 10
Anna Glaska, Indianapolis, Ind.: Jan. 3, 1969 ---------- 15
Charles O. Glaub, Plymouth, Ind.: June 28, 1969 ---------- 25
Kenneth P. Glaescher, Mt. Summit, Ind.: June 28, 1969 ---------- 25
Gene and Marilyn Glick, Indianapolis, Ind.:
December 6, 1969 ---------- 100
January 3, 1969 ---------- 500
June 28, 1969 ---------- 100
David Glicksman, South Bend, Ind.: June 28, 1969 ---------- 15
Lennis Goad, Boonville, Ind.: June 28, 1969 ---------- 10
Ed Goble, Batesville, Ind.: January 3, 1969 ---------- 24
Willie R. Goble, Columbia City, Ind.: June 28, 1969 ---------- 60
Dr. Carl W. Godzeski, Indianapolis, Ind.: June 28, 1969 ---------- 10
Mr. and Mrs. William Goen, Salem, Ind.:
January 3, 1969 ---------- 500
June 28, 1969 ---------- 50
Sam and Irene Goldberg, Indianapolis, Ind.: June 28, 1969 ---------- 50
Rose and Victor Goldberg, Indianapolis, Ind.:
June 28, 1969 ---------- 25
December 6, 1969 ---------- 100
Mr. and Mrs. Hy Goldenberg, Huntington, Ind.: Jan. 3, 1969 ---------- 20
Larry Goldenburg, Huntington, Ind.: Feb. 7, 1969 ---------- 20
Bog Good, Shelbyville, Ind.: June 28, 1969 ---------- 10
Dr. E. Goodman, Charlestown, Ind.: Jan. 3, 1969 ---------- 30
June 28, 1969 ---------- 100
Francis Gotter, Indianapolis, Ind.: Jan. 3, 1969 ---------- 50
John Goreman, Chesterton, Ind.: June 28, 1969 ---------- 10
Mr. and Mrs. Gorski, LaCrosse, Ind.: June 28, 1969 ---------- 20
Mr. Jules Gradison, Indianapolis, Ind.: Dec. 12, 1969 ---------- 100
Florence A. Grady, Indianapolis, Ind.: Dec. 6, 1969 ---------- 100
Gene Graebe, Shelbyville, Ind.: June 28, 1969 ---------- 50
Hilbert or Alberta Graman, St. Meinrad, Ind.: June 28, 1969 ---------- 10
Clarence Gramelspacher, Jasper, Ind.: Jan. 3, 1969 ---------- 25
Gene Gramelspacher, Jasper, Ind.: June 28, 1969 ---------- 20
Robert E. Gramelspacher, Jasper, Ind.: June 28, 1969 ---------- 25
Mr. and Mrs. Garland Graves, Bloomfield, Ind.: June 28, 1969 ---------- 10
Don Gray, Kempton, Ind.: June 28, 1969 ---------- 20
George J. Gray, Washington, D.C.: Feb. 9, 1969 ---------- 100
James Gray: Jan. 3, 1969 ---------- 50
Mary and Theresa Gray, Indianapolis, Ind.: June 28, 1969 ---------- 10
Virgil Greathouse, Columbus, Ind.: June 28, 1969 ---------- 10
Ralph D. Green, Vincennes, Ind.: Jan. 3, 1969 ---------- 50
Fred Gregory, Bloomington, Ind.: June 28, 1969 ---------- 20
Charles Grier: Jan. 3, 1969 ---------- 30
Mary Jane Griepenstroh, Lamar, Ind.: June 28, 1969 ---------- 20
John S. Griffin, Indianapolis, Ind.: June 28, 1969 ---------- 10
Albert Grisard, Washington, D.C.: Feb. 9, 1969 ---------- 100
Frank F. Groach, Michigan City, Ind.: Jan. 3, 1969 ---------- 10
June 28, 1969 ---------- 10
Charles and Helen Groet, De Motte, Ind.: June 28, 1969 ---------- 30
William Grogan, Guilford, Ind.: June 28, 1969 ---------- 10
Wanda and Dr. James Gross, Lebanon, Ind.: June 28, 1969 ---------- 20
Andrew Grube, Butler, Ind.: June 28, 1969 ---------- 10
John Guerri, Clinton, Ind.: June 28, 1969 ---------- 25
Jerome Gulan, Washington, D.C.: Jan. 3, 1969 ---------- 30
Martha M. Griffin: June 28, 1969 ---------- 50
Doris Gutzwiller, Batesville, Ind.: June 28, 1969 ---------- 10
William R. Gutzwiller, Batesville, Ind.: June 28, 1969 ---------- 20
John and Gloria Day, Indianapolis: June 28, 1969 ---------- 5
C. Earl Habegger, Berne, Ind.: Jan. 3. 1969 ---------- 30
Arnold Habig, Jasper, Ind.:
Jan. 3, 1969 ---------- 500
June 28, 1969 ---------- 100
December 1969 ---------- 100
Robert Haak, Bloomington, Ind.: June 28, 1969 ---------- 25
John B. Habig, Jasper, Ind.: June 28, 1969 ---------- 25
Thomas L. Habig, Jasper, Ind.: June 28, 1969 ---------- 25
Jud B. Haggerty, Indianapolis, Ind.: Feb. 1, 1969 ---------- 100
Mr. Jack Hahn, Indianapolis, Ind.: Feb. 1, 1969 ---------- 25
Sam Haines, Washington, D.C.: Feb. 9, 1969 ---------- 500
Charles Halsenray: Jan. 3, 1969 ---------- 30
Vera M. Hall, Danville, Ind.:
Jan. 3, 1969 ---------- 10
June 28, 1969 ---------- 10
Wilbur D. Hall, Orleans, Ind.: June 28, 1969 ---------- 20
Keith Halliday, Washington, D.C.: Feb. 9, 1969 ---------- 50
Harrison, Halterman, Rochester, Ind.: June 28, 1969 ---------- 10
Rose Hamer, Rensselaer, Ind.: June 28, 1969 ---------- 25
A. W. Hamilton, Indianapolis, Ind.: Dec. 6, 1969 ---------- 25
Karl Hammerle, Liberty, Ind.: Feb. 1, 1969 ---------- 15
David and Terilo Hammond, Rockport, Ind.: June 28, 1969 ---------- 20
Irvin Hammond, Jeffersonville, Ind.: June 28, 1969 ---------- 10
Robert Hammond, Jeffersonville, Ind.: June 28, 1969 ---------- 10
Leroy Hanby, Connersville, Ind.: Feb. 1, 1969 ---------- 10
H. T. Hancock, Beech Grove, Ind.: June 28, 1969 ---------- 10
Lee Ann Hankins, Connersville, Ind.: June 28, 1969 ---------- 5
Michael J. Hankins, Connersville, Ind.: June 28, 1969 ---------- 25
Thomas & Melissa Hanley, Indianapolis, Ind.: June 28, 1969 ---------- 20
K. H. Hannan: Jan. 3, 1969 ---------- 50
Clelland Hanner, Rockville, Ind.: Jan. 3, 1969 ---------- 30
Charles W. Harbison, Spencer, Ind.: June 28, 1969 ---------- 10

H. Wilbur Hardacre, Anderson, Ind.: June 28, 1969 — 25
Ann & Helen Hardiman, Fowler, Ind.: June 28, 1969 — 10
Timothy S. Harlan, Markleville, Ind.: June 28, 1969 — 10
Robert and Jill Harper, Valparaiso, Ind.: June 28, 1969 — 20
Kenneth Harrington, Gary, Ind.: Feb. 9, 1969 — 100
Earl Harris, Indianapolis, Ind.: Dec. 6, 1969 — 100
Thomas Harris, Portage, Ind.: June 28, 1969 — 10
Arthur Hartman: Jan. 3, 1969 — 5
Frank Hartman, Bainbridge, Ind.: June 28, 1969 — 10
Lineler Hartman, Bainbridge, Ind.: June 28, 1969 — 10
Mr. and Mrs. Lloyd Hartman, Indianapolis, Ind.:
Feb. 1, 1969 — 50
June 28, 1969 — 25
Feb. 9, 1969 — 100
William B. Harvey, Bloomington, Ind.: Jan. 3, 1969 — 25
Mark Haselman, Martinsville, Ind.: Feb. 1, 1969 — 250
Ed. Hasneir, Indianapolis, Ind.:
Feb. 1, 1969 — 300
June 28, 1969 — 20
Gerald Hasler, Fairland, Ind.: June 28, 1969 — 10
Bill Hasse, Munster, Ind.: Jan. 3, 1969 — 1,000
Leo Hatch, Portage, Ind.: June 28, 1969 — 25
Richard Haugh, Delphi, Ind.: June 28, 1969 — 10
William & Betty Hauser, Coal City, Ind.: June 28, 1969 — 20
Ricci Hawlee (Nancy), Greenwood, Ind.: Jan. 3, 1969 — 500
William & Lois Hawhee, Evanston, Ind.: June 28, 1969 — 5
Mrs. Lucille Hawkins, Shoals, Ind.: June 28, 1969 — 10
Bob Haynes, Converse, Ind.: June 28, 1969 — 10
Eileen and Paul Hathaway, Chesterton, Ind.: June 28, 1969 — 20
Mrs. Louis Heck (Mary), West Terre Haute, Ind.: June 28, 1969 — 10
Mrs. Ira Heges, Monon, Indiana: June 28, 1969 — 20
Flora Hedglin, Pleasant Lake, Ind.: June 28, 1969 — 3
John Heeter, Indianapolis, Ind.: January 3, 1969 — 20
Wayne Heffley, Auburn, Ind.: June 28, 1969 — 10
L. D. Hegg, Covington, Ind.: February 7, 1969 — 100
Richard A. Heidbrider, Indianapolis, Ind.: December 6, 1969 — 100
Jesse Heiges: February 1, 1969 — 50
Robert B. Heiney, Washington, D.C.: February 9, 1969 — 100
Heller, Seymour, Ind.: June 28, 1969 — 10
Phil Helmig, Washington, D.C.: February 9, 1969 — 100
Eugene L. Henderson, Indianapolis, Ind.: June 28, 1969 — 100
Mrs. Jane R. Henderson, Indianapolis, Ind.:
February 1, 1969 — 50
June 28, 1969 — 100
December 6, 1969 — 100
Bill Hendren, Bloomfield, Ind.: January 3, 1969 — 100
Charles Hendrickson, Flora, Ind.: June 28, 1969 — 20
Charles H. Henry, Fort Wayne, Ind.:
December 6, 1969 — 100
January 1, 1969 — 50
Ed Henry, Shoals, Ind.: June 28, 1969 — 10
Herman R. Henry, Franklin, Ind.:
Feb. 1, 1969 — 300
June 28, 1969 — 10
Stanley Herman, Indianapolis, Ind.:
Oct. 30, 1969 — 100
December 6, 1969 — 100
Ben Hertz, Muncie, Ind.: December 6, 1969 — 200
Harold Hertz, Madison: June 28, 1969 — 10
Don Hester, Indianapolis, Ind.: Dec. 6, 1969 — 100
Helen Heyob, Jan. 3, 1969 — 10
James & Casper Hickam, Freedom, Ind.: June 28, 1969 — 20
Leo Hickman, Bloomington, Ind.: June 28, 1969 — 20
Mr. & Mrs. Joe Hicks, Noblesville, Ind.: June 28, 1969 — 20
David Higginbotham, Feb. 1, 1969 — 50
James Higgenbothom, Owensville, Ind.: Feb. 1, 1969 — 50
Mr. and Mrs. Hilda Higgins, Bluffton, Ind.: June 28, 1969 — 20
Marlaw Higgins, June 28, 1969 — 10
Robert E. Highfield, Indianapolis, Ind.: Feb. 1, 1969 — 50
C. Howard Hill, Feb. 1, 1969 — 20
Chloral Hilderbrand, Dale, Ind.:
Feb. 1, 1969 — 50
June 28, 1969 — 25
Mr. & Mrs. Joe Hilger, Columbus, Ind.: June 28, 1969 — 15
Daria Hill, Indianapolis, Ind.: June 28, 1969 — 10
John W. Hillenbrand, Batesville, Ind.: Jan. 3, 1969 — 100
John W. Hillenbrand III, Batesville, Ind.: July 7, 1969 — 1,000
William J. Hillis, Clinton, Ind.: June 28, 1969 — 25
Mr. & Mrs. Wayne Hillyer, Williamsport, Ind.: June 28, 1969 — 20
Charles S. Hyneman, Bloomington, Ind.: Feb. 1, 1969 — 25
Louis Himmelhauer, Lanesville, Ind.: June 28, 1969 — 10
Mrs. Phyllis Himmelhaver, Lanesville Ind.: June 28, 1969 — 10
Robert V. Hinshaw, Indianapolis, Ind.: June 28, 1969 — 100
Byron Hinton: Feb. 9, 1969 — 50
Paul Hirsch, Indianapolis, Ind.: June 28, 1969 — 25
Chester & Fraun Hite, Huntington, Ind.: June 28, 1969 — 3
Claude Hobbs, Jr., Washington, D.C.: February 9, 1969 — 50
Leo H. Hochesang, Huntingburg, Ind.: June 28, 1969 — 25
James Hoeffel, Fort Wayne, Ind.: June 28, 1969 — 10
Hoffman, Mopper & Solomon, Ft. Wayne, Ind.: Feb. 1, 1969 — 50
Mrs. Phyllis Hoke, Tipton, Ind.: June 28, 1969 — 10
Byron P. Hollett, Indianapolis, Ind.:
Jan. 3, 1969 — 30
Dec. 6, 1969 — 100
George Holley, Fair Oaks, Ind.: Jan. 3, 1969 — 30
Charles E. Hollingworth, Russiaville, Ind.: June 28, 1969 — 10
James R. Hollis: Feb. 1, 1969 — 5
Mr. & Mrs. Samuel H. Hollon, Oakland City, Ind.: June 28, 1969 — 10
Susan Holstine, Salem, Ind.: June 28, 1969 — 20
Olin R. Holt, Kokomo, Ind.: Feb. 1, 1969 — 100
Glen Homan: Jan. 3, 1969 — 30
Carl L. Hooker, Bluffton, Ind.: June 28, 1969 — 10
Evelyn Hooker, Bluffton, Ind.: June 28, 1969 — 10
Helen Hoskins, Muncie, Ind.: June 28, 1969 — 1
John M. House, Terre Haute, Ind.: Sept. 4, 1969 — 200
Paul D. Houston, Boonville, Ind.: June 28, 1969 — 30
Gale Howard, Elkhart, Ind.: June 28, 1969 — 10
Mr. and Mrs. Douglas Howenstine, Huntington, Ind: Feb. 1, 1969 — 300
Mr. and Mrs. H. Byron Hubbard, Evansville, Ind.: Jan. 3, 1969 — 30
I. E. Huckleberry, Salem, Ind.: June 28, 1969 — 20
Phon Hudkins:
Feb. 9, 1969 — 30
Jan. 3, 1969 — 50
Tom Huff, Plymouth, Ind.: June 28, 1969 — 20
Raymond Huffer, Cutler, Ind.: June 28, 1969 — 20
Laura Huges, Lebanon, Ind.: June 28, 1969 — 20
Sam Hughes, Danville, Ind.: June 28, 1969 — 10
Zelpha Hughes, Danville, Ind.: June 28, 1969 — 10
Mr. and Mrs. Oscar F. Hugs, Salem, Ind.: June 28, 1969 — 50
Anton and Mary Hulman, Terre Haute, Ind.: Jan. 3, 1969 — 500
Paul A. Hultin, South Bend, Ind.: June 28, 1969 — 25
Leon Humbert, Greensburg, Ind.: Feb. 7, 1969 — 25
Mr. and Mrs. Paul Hunckler, Huntington, Ind.: June 28, 1969 — 200
Gilbert Hundley, Indianapolis, Ind.: Dec. 6, 1969 — 100
Marshall Hunt, Monrovia, Ind.: June 28, 1969 — 10
James W. Hunter, Indianapolis, Ind.: June 28, 1969 — 10
George A. Hurd, Riegelsville, Pa.: Jan. 3, 1969 — 10
Frank J. Hurley, Indianapolis, Ind.: June 28, 1969 — 25
Mr. and Mrs. Walter Hurst, Alexander, Ind.:
Jan. 3, 1969 — 30
June 28, 1969 — 40
Dorothy Huston, Jan. 3, 1969 — 100
Walter Hutcheson, Greencastle, June 28, 1969 — 5
LaVonne Hyatt, Indianapolis, Ind.: June 28, 1969 — 5
Herman Johnson, Frankfort, Ind.: June 28, 1969 — 100
Lee V. Johnson, New Goshen, Ind.: February 1, 1969 — 20
Loren Johnson, Mount Vernon, Ind.: June 28, 1969 — 100
Myron Johnson, Delphi, Ind.: June 28, 1969 — 10
O. K. Johnson, Poland, Ind.: June 28, 1969 — 10
Warren Johnson, Morocco, Ind.: January 3, 1969 — 10
Willie B. Johnson, Poland, Ind.: June 28, 1969 — 10
J. R. Johnstone: January 3, 1969 — 50
Ivan Jones, Cloverdale, Ind.: June 28 1969 — 10
James C. Jones, Pine Village, Ind.: June 28, 1969 — 20
James J. Jones, Logansport, Ind.:
January 3, 1969 — 30
June 28, 1969 — 100
Jesse Jones, Washington, D.C.: February 9, 1969 — 50
Lloyd Jones, Seymour, Ind.:
January 3, 1969 — 130
June 28, 1969 — 50
June 28, 1969 — 250
Alfred Jordan, Francesville, Ind.: June 28, 1969 — 15
George L. Judy, Bryant, Ind.: June 28, 1969 — 5
Nathan Kalikow, New York, N.Y.:
December 8, 1969 — 2,500
August 10, 1969 — 2,500
Mr. & Mrs. Jack Kammins, Indianapolis, Ind.: December 6, 1969 — 100
Keith Kane: February 1, 1969 — 25
Mr. & Mrs. Leonard Kaplow, Indianapolis, Ind.: December 6, 1969 — 100
Harry Karlin, South Bend, Ind.: June 28, 1969 — 10
Don Katz, Indianapolis, Ind.: December 6, 1969 — 50
Mr. & Mrs. Irwin Katz, Indianapolis, Ind.: December 6, 1969 — 100

List of contributors and amount—Continued

[In dollars]

Mr. & Mrs. Morris Katz, Indianapolis, Ind.:
June 28, 1969 100
December 6, 1969 200
Leroy Kaufman, Monterey, Ind.: June 28, 1969 10
Mr. & Mrs. Orian Karns, Coal City, Ind.: June 28, 1969 20
Ernest G. Ingels, Kokomo, Ind.: February 1 50
Roger R. Isch, Uniondale, Ind.: June 28 10
Vicki Iverson, Rantoul, Ill.: June 28 10
Frederick G. Jacks, Washington, D.C.: February 9 100
Helen P. Jackson, Bryant, Ind.: January 3 30
Mary M. Jackson, Shelbyville, Ind.: June 28 10
Matthew E. Jackson, Delphi, Ind.: June 28 20
James R. Jacob, Terre Haute, Ind.: June 28 25
Andrew Jacobs, Sr., Indianapolis, Ind.: June 28 25
Max Jackson, Indianapolis, Ind.: June 28 100
Clifton James, Jeffersonville, Ind.: June 28 40
Eleanor P. Jamison, Sullivan, Ind.: June 28 50
Michael Jankovich, Gary, Ind: June 28 25
Jasper County Democrats, Rensellaer, Ind.: February 1 100
Paul Jasper, Indianapolis, Ind.:
January 1, 1969 500
January 3, 1969 250
December 6, 1969 100
August 1, 1969 100
Claude Jenkins, Richmond, Ind.: February 1 50
James and Eva Marie Jensen, Muncie, Ind.: June 28 10
Michael Joelson, Indianapolis, Ind.: December 6 100
A. S. Johnson: January 3 50
Alvin Johnson, Bloomington, Ind.: June 28 10
Dennis Johnson, Bloomington, Ind.: June 28 10
Felton M. Johnson, Washington, D.C. February 9 50
George F. Johnson, Terre Haute, Ind.: June 28 200
Harry J. Johnson, Batesville, Ind.: June 28 10
A. Creighton Karsteter, Aurora, Ind.: June 28, 1969 10
Tony Kazlauskis, Gary, Ind.: June 28, 1969 25
Russell T. Keith, Peru, Ind.:
January 3, 1969 10
June 28, 1969 10
Russell and Barbara Kelham, Garrett, Ind.: June 28, 1969 20
Ona M. Kell, Fort Wayne, Ind.: June 28, 1969 10
George Kelley, Noblesville, Ind.: June 28, 1969 20
Dan Kelly, Salem Ind.: June 28, 1969 20
Kathryn Kelley: January 3, 1969 10
Elizabeth Kelley: January 3, 1969 100
John G. Kelly, Fairbanks, Ind.: June 28, 1969 200
John Kelly, Washington, D.C.: February 9, 1969 50
Kathryn Kelly, Fort Wayne, Ind.:
January 3, 1969 10
June 28, 1969 10
Richard Kelly, Terre Haute, Ind.: June 28, 1969 100
Mr. and Mrs. Sylvester Kelly, Logansport, Ind.: June 28, 1969 25
William R. Kelly, Terre Haute, Ind.: June 28, 1969 100
Joe R. Kelsey, Whiteland, Ind.: June 28, 1969 20
Leonard Kemenyas, Annapolis, Md.: January 3, 1969 500
Juanita Kendall, Portage, Ind.: June 28, 1969 100
William Kenefick, Michigan City, Ind.: June 28, 1969 100
Don Kennedy, Martinsville, Ind.: June 28, 1969 10
Ted R. Kennedy, Columbus, Ind.: February 1, 1969 100
Peter Kenney, Washington, D.C.: February 9, 1969 100
Robert Kenny: January 3, 1969 100
James T. Kent:
January 3, 1969 10
June 28, 1969 10
Kenneth C. Kent, Evansville, Ind.: June 28, 1969 100
Mrs. Bernice Kern, Washington, D.C.: Feb. 2, 1969 100
Kenneth Kern, Indianapolis, Ind.: June 28, 1969 20
David Kerr, Valparaiso, Ind.: June 28, 1969 10
William G. Kerr: Feb. 1, 1969 100
Mehilo Keseley, Lake County, Ind.: June 28, 1969 10
John Kessler, Valparaiso, Ind.: June 28, 1969 60
Sheldon A. Key, Indianapolis, Ind.: June 28, 1969 50
William Kibble, Valparaiso, Ind.: June 28, 1969 50
Joe Kigin, Washington, D.C.: Feb. 9, 1969 50
Mr. & Mrs. David L. Kiley, Marion, Ind.:
June 28, 1969 100
Jan. 3, 1969 100
Aug. 4, 1969 10
Philip J. Kiley, Marion, Ind.:
Feb. 1, 1969 100
June 28, 1969 25
Robert P. Kiley, Jr., Marion, Ind.: June 28, 1969 10
Charles R. Kilgour, Marion, Ind.: Jan. 3, 1969 30
Curtis Kimmell, Vincennes, Ind.: Sept. 4, 1969 100
Joseph W. Kimmell, Vincennes, Ind.: June 28, 1969 25
Vern Kimmell, Vincennes, Ind.: June 28, 1969 100
Eva Scott King: Jan. 3, 1969 10
Marjorie M. King, Muncie, Ind.:
Feb. 1, 1969 150
June 28, 1969 5
Jack Kinkel: Feb. 1, 1969 100
Robert Kinkel, Terre Haute, Ind.: June 28, 1969 25
Harry Kinney, Indianapolis, Ind.: June 28, 1969 10
Robert P. Kinney, Ft. Wayne, Ind.: Feb. 7, 1969 100
J. W. Kirchhofer: Feb. 1, 1969 10
Tim Kirchhofer, Berne, Ind.: Feb. 1, 1969 30
Mr. & Mrs. Myron Kirsh, Indianapolis, Ind.:
Feb. 7, 1969 10
Dec. 6, 1969 50
Marshall F. Kizer, Plymouth, Ind.: Jan. 3, 1969 30
Mr. & Mrs. Jason Klain, Marion, Ind.:
Dec. 6, 1969 100
Feb. 1, 1969 100
Miss Marie D. Kleinkoff, Lakefield, Ind.: Jan. 3, 1969 5
Barabara Klinch, Logansport, Ind.: June 28, 1969 10
Alan Klineman, Indianapolis, Ind.: June 28, 1969 100
Frank Klinkose, Jr., Indianapolis, Ind.: June 28, 1969 10
Margie C. Knable, New Albany, Ind.: Feb. 1, 1969 5
Della Knight, Anderson, Ind.: June 28, 1969 10
Hobert & Margaret Knoy, Freedom, Ind.: June 28, 1969 50
Bill Koch, Santa Claus, Ind.: June 28, 1969 500
Robert M. Koch, Washington, D.C.: Feb. 9, 1969 50
Paul W. Koester, Fort Wayne, Ind.: Feb. 1, 1960 20
Kenneth Kofmehl, Lafayette, Ind.: Feb. 1, 1969 25
Marion Komenich, Gary, Ind.: June 28, 1969 100
Kenny Koppelman, Kirklin, Ind: June 28, 1969 10
Joseph T. Krause, Lafayette, Ind.: June 28, 1969 4
Robert Kreutzer, Peru, Ind: June 28, 1969 10
Max Kritzar, Nashville, Ind.: June 28, 1969 10
Nick Krockta, Gary, Ind.: June 28, 1969 100
Mr. & Mrs. Abe Kroot, Indianapolis, Ind.: Dec. 6, 1969 100
Mr. & Mrs. Samuel Kroot, Indianapolis, Ind.: Dec. 6, 1969 100
O. A. Kruep, Jasper, Ind.: June 28, 1969 10
John Krupa, East Chicago, Ind.: June 28, 1969 100
Phillip Krupp, Boston, Mass.: Jan. 3, 1969 500
Dr. Joseph Kuc, W. Lafayette, Ind.: June 28, 1969 20
George A. Kuhn, Jr., Indianapolis, Ind.:
June 28, 1969 100
Jan. 3, 1969 30
Maurice R. Kuper, Jasper, Ind.: June 28, 1969 25
George Kurtz, New Haven, Ind.: June 28, 1969 10
George Lane, Jeffersonville, Ind.: February 1, 1969 200
John M. LaRosa, Indianapolis, Ind.: February 1, 1969 25
Joseph LaRosa, Gary, Ind.: June 28, 1969 10
S. E. Lauther, Indianapolis, Ind.: June 28, 1969 100
Gerald Crum, Uniondale, Ind.: June 28, 1969 20
Walter H. C. Laves, Bloomington, Ind.: June 28, 1969 25
Marion Lachner, Otis, Ind.: June 28, 1969 10
William Lackey, Brookville, Ind.: June 28, 1969 50
Aurelia L. Lafferty, Indianapolis, Ind.: June 28, 1969 10
Juanita Lafollett, February 3, 1969 30
Lt. Col. Richard LaGrange, February 1, 1969 25
James H. Lahey, South Bend, Ind.: June 28, 1969 10
Donald and Mary Ellen Lamberson, Michigantown, Ind.: June 28, 1969 10
Mrs. D. C. Lamott, Pershing, Ind.: June 28, 1969 10
George Lane, February 1, 1969 200
Paul Lane, Butler, Ind.: June 28, 1969 10
George and Mary Ann Langwell, Spencer, Ind.: June 28, 1969 20
James T. Lanhan, Seymour, Ind.: June 28, 1969 20
Randolph Lanning, Logansport, Ind.:
January 1, 1969 10
June 28, 1969 20
A. A. Lare, Richmond, Ind.: June 28, 1969 5
Marty Larner, Indianapolis, Ind.: June 12, 1969 100
Mary Lasker, New York, N.Y.: February 1, 1969 500
Harry Lathan, Indianapolis, Ind.:
June 28, 1969 50
Dec. 6, 1969 100
R. R. Laube, Jasper, Ind.: June 28, 1969 25

Mr. and Mrs. Edgar Lauther, Indianapolis, Ind.: Dec. 6, 1969 100
William Lawler, Anderson, Ind.: June 28, 1969 25
Walter Lawmaster, Nappanee, Ind.: June 28, 1969 25
Johnnie Lawson, Portage, Ind.: June 28, 1969 14
John E. Leahy, Indianapolis, Ind.: June 28, 1969 20
Norbert Lecher, Oxford, Ind.: June 28, 1969 10
Mary Leddy: Jan. 3, 1969 15
Mrs. Jules Lederer: Feb. 1, 1969 100
Fred Lee, Washington, D.C.: Feb. 9, 1969 50
Robert Lee, Jr., Middlebury, Ind.: June 28, 1969 25
Louis Leffel, Indianapolis, Ind.: Feb. 1, 1969 100
Janice Lehman: Jan. 3, 1969 5
Elliott Lehner, Indianapolis, Ind.: Dec. 6, 1969 100
Gilbert D. Lemmon, Connersville, Ind.: June 28, 1969 10
Ralph J. Lentz, Loogootee, Ind.: June 28, 1969 5
John Leonard, Cicero, Ind.: June 28, 1969 10
LaRue Leonard, Arcadia, Ind.: June 28, 1969 50
Maleen Leonard, Washington, D.C.: Feb. 9, 1969 100
Nathan Lerman, South Bend, Ind.: June 28, 1969 25
Dec. 6, 1969 100
Jane Lesh, Uniondale, Ind.: June 28, 1969 10
John E. Lesow, Indianapolis, Ind.: Feb. 1, 1969 100
Homer Lester: Jan. 3, 1969 25
Jack Leuthart, Clark County, Ind.: June 28, 1969 10
Dr. Manuel I. Leve, Indianapolis, Ind.: Feb. 1, 1969 200
Dec. 6, 1969 100
June 28, 1969 25
Lewis Leventhall, Indianapolis, Ind.: Dec. 6, 1969 100
Leon Levi, Indianapolis, Ind.: Jan. 3, 1969 30
June 28, 1969 25
Arnold Levin, Washington, D.C.: Feb. 9, 1969 100
Francis Levien, New York, N.Y.: Feb. 1, 1969 1,000
Jerome S. Leviton, Indianapolis, Ind.: Feb. 1, 1969 25
Ed. Lewis, Greenwood, Ind.: June 28, 1969 100
Jack W. Lewis, Centerville, Ind.: Feb. 1, 1969 25
Richard Lewman, Dana, Ind.: June 28, 1969 20
Mr. & Mrs. Walter Lichtenstein, Indianapolis, Ind.: June 28, 1969 20
Herb Liebenson, Washington, D.C.: Feb. 2, 1969 100
Mr. & Mrs. Albert Lieberman, Indianapolis, Ind.: Dec. 6, 1969 100
Walter F. Liebig, Michigan City, Mich.: June 28, 1969 25
Ray Liming: Jan. 3, 1969 20
Mrs. Sue Lindeman, Indianapolis, Ind.: June 28, 1969 10
Carl Lindley, Shoals, Ind.: June 28, 1969 10
Robert Ling, Geneva, Ind.: June 28, 1969 10
Dianne Linn, Decatur, Ind.: June 28, 1969 10
Harold Lusk, Munster, Ind.: June 28, 1969 100
Jo Anne & Richard Luther, Clay City, Ind.: June 28, 1969 20
Richard Luttrell, Greenwood, Ind.: June 28, 1969 20
Mr. John K. Lutz, Indianapolis, Ind.: Feb. 1, 1969 10
Mrs. John Lipp, Frankfort, Ind.: June 28, 1969 10
Linda Lipp, Frankfort, Ind.: June 28, 1969 10
Allan Kippman, Valparaiso, Ind.: June 28, 1969 20
Leo Lippman, Indianapolis, Ind.: Jan. 3, 1969 500
Dec. 6, 1969 1,000
W. R. Lutz, Cincinnati, Ohio: Feb. 1, 1969 10
Charles Lipsen, Washington, D.C.: Jan. 1, 1969 30
Jerry Lux, Shelbyville, Ind., June 28, 1969 50
Dr. Leonard Liss, South Bend, Ind., Dec. 6, 1969 50
J. G. Liste, Lafayette, Ind.: Jan. 3, 1969 30
June 28, 1969 25
Aurelia D. Little, Indianapolis, Ind., June 28, 1969 10
C. David Little, Frankfort, Ind., June 28, 1969 25
William T. Little, Indianapolis, Ind., Feb. 13, 1969 50
Glenn H. Lyon, Greencastle, Ind., Jan. 3, 1969 30
Mrs. Elmer Lyons, Greenwood, Ind., June 28, 1969 10
Lloyd Lyons, Indianapolis, Ind., June 28, 1969 25
Allan Lippman, Valparaiso, Ind., June 28, 1969 20
Norman and Marie Little, Walton, Ind., June 28, 1969 20
Mary Livelsberger, Jan. 3, 1969 10
Nettie Lock, Jan. 3, 1969 15
Lawrence Loesch, Columbus, Ind., June 28, 1969 20
B. E. Logan, Feb. 1, 1969 100
Joseph M. Long, Flat Rock, Ind., June 28, 1969 10
Robert Long, Jan. 1, 1969 10
Robert and Barbara Long, Spencer, Ind., June 28, 1969 20
Warren Longmiller, Loogootee, Ind., June 28, 1969 10
Katie Loucheim, Washington, D.C., Jan. 3, 1969 100
Leo Louis, Gary, Ind., Feb. 1, 1969 50
Herschel Loveless, Washington, D.C., Feb. 9, 1969 50
Bob Lucas, Gary, Ind.: Jan. 3, 1969 500
June 28, 1969 100
Dec. 6, 1969 100
H. C. Lumb, Indianapolis, Ind., Feb. 9, 1969 100
Charles Luna, Washington, D.C., Feb. 9 1969 200
William L. Lurvey, Indianapolis, Ind., Feb. 1, 1969 150
Elizabeth McAfee: Jan. 3, 1969 15
Laura and David McAfee, Bluffton, Ind.: June 28, 1969 10
Mr. and Mrs. David H. McCain, La-Porte, Ind.: Feb. 1, 1969 15
Richard McCain, Bringhurst, Ind.: June 28, 1969 20
Gene McCann, Lawrenceburg, Ind.: June 28, 1969 25
J. Harold McCameron, Shoals, Ind.: June 28, 1969 10
Myron E. McCammack, Coatesville, Ind.: June 28, 1969 10
Floyd and Lois McCarter, Patricksburg, Ind.: June 28, 1969 25
Frank McCarthy, Washington, Ind.: Feb. 9, 1969 50
Frank McClain, Scottsburg, Ind.: June 28, 1969 10
Sam McClain, Marion, Ind.: June 28, 1969 50
James McClarnon, Indianapolis, Ind.: June 28, 1969 20
Harold R. McClary, Boonville, Ind.: June 28, 1969 10
Frederick J. McClellan, Muncie, Ind.: Jan. 3, 1969 30
Ira McClurg, LaFontaine, Ind.: June 28, 1969 10
K. E. McConnaughay, Lafayette, Ind.: Feb. 1, 1969 500
Dick McConnell: Jan. 3, 1969 10
Max McConochy, Portland, Ind.: Jan. 3, 1969 5
Thomas McCool, Lawrenceburg,, Ind.: June 28, 1969 25
George McCorkle, Greenfield, Ind.: June 28, 1969 10
Lottie McCorkle, Willow Branch, Ind.: June 28, 1969 10
C. James McCormack, Vincennes, Ind.: Jan. 3, 1969 500
June 28, 1969 800
Ernest McCormick: Feb. 1, 1969 10
Earl C. McCraig, Indianapolis, Ind: June 28, 1969 25
Dr. and Mrs. James McCrory, Berne, Ind.: June 28, 1969 25
Frank McCullough, Washington, D.C.: Feb. 9, 1969 50
Laren McDaniel, Elwood, Ind.: June 28, 1969 10
Edward McDermott, Washington, D.C.: Feb. 1, 1969 25
Howard McFaddin, Rockville, Ind: June 28, 1969 25
Robert McFarling, Indianapolis, Ind.: June 28, 1969 100
Miss Hope McGehee, Indianapolis, Ind.: June 28, 1969 17.28
James McGinley, Lebanon, Ind.: June 28, 1969 20
Paul M. McGinley, Lebanon, Ind.: Feb. 1, 1969 100
Rosemary McGinley, Lebanon, Ind.: Feb. 1, 1969 100
William K. McGowan, Indianapolis, Ind.: Dec. 6, 1969 100
William F. McInerny, South Bend, Ind.: Jan. 3, 1969 10
Gerald McKain, Austin, Ind.: June 28, 1969 10
Harold G. McKee, Shelbyville, Ind.: Jan. 3, 1969 30
Frank McKinney, Sr., Indianapolis, Ind.: Jan. 3, 1969 500
June 28, 1969 200
Frank McKinney, Jr., Indianapolis, Ind.: Dec. 6, 1969 100
Melvin McKinney, Indianapolis, Ind.: June 28, 1969 10
H. Roll McLaughlin, Carmel, Ind.: Jan. 3, 1969 500
Dec. 6, 1969 100
Tom and Evelyn McNeal, Indianapolis, Ind.: June 28, 1969 100
William T. McPike, Washington, D.C.: Feb. 9, 1969 50
Herbert McQuinley, Connersville, Ind.: June 28, 1969 20
Shorty McRae: June 28, 1969 10
Bea McShay, Indianapolis, Ind.: June 28, 1969 10
Jerome J. McTague, West Lafayette, Ind.: Jan. 3, 1969 500
Vinton Mack, Lebanon, Ind: June 28, 1969 5
Wendell P. Macklin, Decatur, Ind.: Feb. 1, 1969 25
June 28, 1969 10
Fred L. Madorin, Indianapolis, Ind.: June 28, 1969 10
Paul Maggard, Austin, Ind.: June 28, 1969 10
Robert E. Magley, Wabash, Ind.: Feb. 1, 1969 100
Richard Maguire, Washington, D.C.: Feb. 9, 1969 500
Robert Maheu, Las Vegas, Nev.: Feb. 1, 1969 1,000
Frank Maidenberg, Marion, Ind.: Dec. 6, 1969 100
Mr. and Mrs. Milton Maidenberg, Marion, Ind.: Feb. 9, 1969 250
Dec. 6, 1969 100

List of contributors and amount—Continued
[In dollars]

Charlie Mains, Indianapolis, Ind.:
Feb. 1, 1969 50
June 28, 1969 50
G. B. Mallory, Indianapolis, Ind.: June 28, 1969 50
J. C. Malone: Jan. 3, 1969 50
Helen Mangle, Indianapolis, Ind.: June 28 1969 10
Irving H. Mann, Crown Point, Ind.: June 28, 1969 25
Roe Mantooth, North Salem, Ind.: June 28, 1969 10
Robert B. Manuel, Columbus, Ind.: June 28, 1969 40
Joe Marrietta, Jr.; Blanford, Ind.: June 29, 1969 10
Daniel A. Markley, Montpelier, Ind.: June 28, 1969 10
Mrs. Inez Markley, Bluffton, Ind.: June 28, 1969 50
Mr. and Mrs. Louis Marks, Indianapolis, Ind.: Feb. 1, 1969 15
Robert A. Markwalter, Aurora, Ind.: June 28, 1969 10
Michael P. Marra, Jeffersonville, Ind.: June 28, 1969 200
Don Marsh, Muncie, Ind.: Feb. 1, 1969 200
Estel V. Marsh, Muncie, Ind.:
June 28, 1969 200
Dec. 6, 1969 100
Clarence Martens, Rochester, Ind.: June 28, 1969 10
Doreatha Martin: Jan. 3, 1969 10
Floyd Martin, Guilford, Ind.: June 28, 1969 10
Herbert W. Martin, Indianapolis, Ind.: June 28, 1969 20
Mrs. L. J. Martin, Goshen, Ind.: June 28, 1969 10
Lloyd Martin, Wakarusa, Ind.: June 28, 1969 10
Warren W. Martin, Jr., Jeffersonville, Ind.: June 28, 1969 10
Judge Clifford H. Maschmeyer, Jeffersonville, Ind.: June 28, 1969 10
Catherine and Maurice Mason, Hebron, Ind.: June 28, 1969 20
Paul L. Mason, Crawfordsville, Ind.: Jan. 1, 1969 30
Mr. and Mrs. Vernon Matherly, Fountain City, Ind.: Feb. 1, 1969 50
Nile Matlock, Greenfield, Ind.: June 28, 1969 25
James Mattis, Speedway, Ind.: June 28, 1969 25
Mrs. Verle Maxwell, Martinsville, Ind.: June 28, 1969 10
Mr. and Mrs. Cliff Meadows, New Whiteland, Ind.: June 28, 1969 10
Earl W. Medsker, Sullivan, Ind.: June 28, 1969 10
Richard Meek, Indianapolis, Ind.: June 28, 1969 5
Mr. and Mrs. Herbert Melrose, Indianapolis, Ind.: Dec. 6, 1969 100
Robert Meltzer, Shelbyville, Ind.: June 28, 1969 10
Victor Meny, Haubstadt, Ind.: June 28, 1969 25
Sam Mercantini, South Bend, Ind.: June 28, 1969 50
Charles Mercer, Spencer, Ind.: June 28, 1969 10
Charles Meredith, Noblesville, Ind.: June 28, 1969 10
Larry Merthan, Washington, D.C.: Feb. 9, 1969 100
Shan Mesker, Merom, Ind.: June 28, 1969 10
Donald R. Metz, Wabash, Ind.:
June 28, 1969 10
Jan. 3, 1969 10
Mrs. Forest Meyer, Chesterton, Ind.: June 28, 1969 10
Milton Michael, Columbus, Ind.: June 6, 1969 10
Robert S. Michael, Greencastle, Ind.: June 28, 1969 10
C. D. Michaelson, New York, N.Y.: January 3, 1969 30
Emerson Midyett, San Francisco, Calif.: February 1, 1969 2,500
Morgan L. Miers, Greensburg, Ind.: June 28, 1969 20
Abe J. Miller, Indianapolis, Ind.: June 6, 1969 100
Don H. Miller, Marion, Ind.: February 1, 1969 50
Garland Miller, Muncie, Ind.: April 1969 10
Goldie Miller, Elwood, Ind.: June 28, 1969 60
Harry O. Miller, Loogotee, Ind.: June 1969 10
J. E. Miller, Jan. 3, 1969 5
Mrs. Jay Miller, Portland, Ind.: June 28, 1969 10
Kenneth Miller, Attica, Ind.: June 28, 1969 50
Mary Miller, Greensburg, Ind.: June 28, 1969 20
Mary H. Miller, Edgewood, Ind.: June 28, 1969 20
Merle Miller, Indianapolis, Ind.: June 28, 1969 100
Thomas J. Miller, Scottsburg, Ind.: Feb. 1, 1969 25
Lloyd Milliken, Jan. 3, 1969 30
Howard B. Minier, Fort Wayne, Ind.: June 28, 1969 10
Bob Minnick, Indianapolis, Ind.: Feb. 1, 1969 20
June 28, 1969 40
Ernest C. Mirich, M.D., Merrillville, Ind.:
June 28, 1969 100
Dec. 6, 1969 50
Marvin Mitchell, Michigan City, Ind.: December 6, 1969 100
Hon. J. Robert Mitten, Wabash, Ind.: June 28, 1969 10
Samuel P. Moise, Gary, Ind.: June 28, 1969 100
Ralph A. Montagano, Elkhart, Ind.: February 1, 1969 25
Forrest Montgomery, Logansport, Ind.: June 28, 1969 1
Orel J. Montgomery, Holton, Ind.: June 28, 1969 10
Aquilla Moore, Columbus, Ind.: June 28, 1968 10
Carlos Moore, Washington, D.C.: January 3, 1969 500
Dr. Gene D. Moore, Terre Haute, Ind.: June 28, 1969 100
Richard K. Morgan, Indianapolis, Ind.: June 28, 1969 20
Callie L. Morris, Franklin, Ind.: June 28, 1969 5
Frank T. Morris, Jr., Logansport, Ind.: June 28, 1969 10
J. Anthony Moran, Washington, D.C.: February 9, 1969 200
Robert Morris, Greencastle, Ind.: June 28, 1969 200
Virgil Morris, Terre Haute, Ind.: June 28, 1969 250
February 1, 1969 250
Frances J. Morrow, Bedford, Ind.: June 28, 1969 10
Robert M. Morse, LaPorte, Ind.: June 28, 1969 10
Ward C. Mosbaugh, Arcadia, Ind.: June 28, 1969 20
Mr. & Mrs. Richard Moser, Berne, Ind.: January 3, 1969 30
January 3, 1969 500
Thomas A. Moynahan, II, Indianapolis, Ind.:
January 3, 1969 500
December 6, 1969 100
Andrew G. Mufer, Jr., Winamac, Ind.: June 28, 1969 10
Robert Mullins: January 3, 1969: 30
W. R. Munger: January 3, 1969 30
Bill Murphy, Washington, D.C: February 9, 1969 100
Marcia Murphy, Danville, Ind.: June 28, 1969 10
Mr. & Mrs. James Murray, Bluffton, Ind.: June 28, 1969 15
Mr. & Mrs. Howard Myers, Bluffton, Ind.: June 28, 1969 50
Mary C. Myers, Decatur, Ind.: June 28, 1969 50
Clyde Nachand: June 28, 1969 10
Mrs. Tibor F. Nagey, Indianapolis, Ind.: February 1, 1969 50
Mr. & Mrs. Morris Nahmias, Indianapolis, Ind.: December 6, 1969 100
Richard O'Connor, New Albany, Ind.: Feb. 1, 1969 10
Robert O' Connor, South Bend, Ind.: June 28, 1969 25
Thomas J. O'Connor, Brookville, Ind.: June 28, 1969 50
Fred O'Hair, Greencastle, Ind.: Feb. 1, 1969 100
Edward J. Ohleyer, Indianapolis, Ind.: June 28, 1969 10
Robert Oliver, Washington, D.C.: Feb. 9, 1969 100
Bob Ollinger, Indianapolis, Ind.: Dec. 6, 1969 100
Harold O'Neal, Orleans, Ind: July 28, 1969 10
Robert A. O'Neal, Indianapolis, Ind.: June 28, 1969 25
David P. Ober, Indianapolis, Ind.: June 28, 1969 10
Gloria Oberting, Lawrenceburg, Ind.: June 28, 1969 10
Kurt Oehme, Indianapolis, Ind.: June 28, 1969 20
Edward J. Ohleyer, Indianapolis, Ind.: June 28, 1969 10
Alfred Oppenheimer, South Bend, Ind.: June 28, 1969 5
Orbinson-Rudy-O'Connor: Feb. 1, 1969 10
C. L. Orr, Liberty, Ind.: Feb. 1, 1969 25
Wm. A. Orr, Warsaw, Ind.: June 28, 1969 10
Paul Osborn, Poneto, Ind.: Feb. 1, 1969 100
William O. Osborn, Culver, Ind.:
Jan. 3, 1969 30
June 28, 1969 25
Mayor & Mrs. Paul Osborne, New Castle, Ind.:
June 28, 1969 50
Feb. 1, 1969 100
Dennie, Ott, Lanesville, Ind.: June 28, 1969 10
Dorothy Ott, Lanesville, Ind.: June 28, 1969 10
Louis Ott, Lanesville, Ind.: June 28, 1969 10
Louise Ott, Lanesville, Ind.: June 28, 1969 10
Caleb J. Otten, Logansport, Ind.: Jan. 3, 1969 30
Joseph Ottenstein, Washington, D.C.: Feb. 1, 1969 500
Clinton W. Naugle, Salem, Ind.: June 28, 1969 10
Mrs. Celia Nealson, Portage, Ind.: June 28, 1969 150
Dr. B. Nedelkoff, New Albany, Ind.: Jan. 3, 1969 30
June 28, 1969 100
Russell H. Nehrig, Gary, Ind.: Feb. 1, 1969 100
Richard H. Nelson, Indianapolis, Ind.: June 28, 1969 100
Wendell Nelson, Culver, Ind.: June 28, 1969 10
George Nentrup, Columbus, Ind.: June 28, 1969 20
Mary Nemyer, Parker, Ind.: Feb. 1, 1969 20
Ivan Nestingen, Washington, D.C.: Feb. 9, 1969 50
W. E. Neumeyer, Washington, D.C.: Feb. 9, 1969 100
Frank Newkirk, Salem, Ind.:
Jan. 3, 1969 500
June 28, 1969 20

Don Newman, Jan. 3, 1969 25
Newton Co. Demo. Central Comm., Kentland, Ind.: June 28, 1969 100
Dr. John Nicosia, East Chicago, Ind.: Jan. 3, 1969 500
Allan H. Nierman, Brownstown, Ind.: June 28, 1969 10
J. H. Nixon, Wabash, Ind.: Jan. 3, 1969 30
Dec. 1, 1969 50
Gary Nordheimer, Washington, D.C.: Feb. 9, 1969 100
Arthur C. Nordoff, Jasper, Ind.: June 28, 1969 10
Jerry Novosad, Greenwood, Ind.: Feb. 1, 1969 10
R. G. Nunn, Terre Haute, Ind.: Feb. 1, 1969 50
Thomas Nurnberger, Indianapolis, Ind.: Dec. 6, 1969 100
Frank L. O'Bannon, Corydon, Ind.: Jan. 3, 1969 30
June 28, 1969 25
Robert P. O'Bannon, Corydon, Ind.: June 28, 1969 50
Francis O'Brien, Bedford, Ind.: June 28, 1969 10
Patrick J. O'Connor, Washington, D.C.: Feb. 9, 1969 250
Everett Oxley, Birdseye, Ind.: June 28, 1969 30
Maurice Paddock, Greenwood, Ind.: June 28, 1969 10
Arthur Palmer, Huntington, Ind.: Feb. 1, 1969 100
Anthony Palmers, Elkhart, Ind.: June 28, 1969 10
Louie Palumbo, Fort Wayne, Ind.: Dec. 6, 1969 100
Dr. Milan Panic, Pasadena, Calif.: Feb. 9, 1969 2,500
A. J. Panke, Indianapolis, Ind.: June 28, 1969 100
Peter Pappas, Indianapolis, Ind.: June 28, 1969 100
Archie and Clara Paris, Franklin, Ind.: June 28, 1969 10
John M. Paris, M.D., New Albany, Ind.: June 28, 1969 100
Mr. and Mrs. Dan L. Parker, Sullivan, Ind.: Dec. 6, 1969 100
Virgil and Vangie Parker, Columbus, Ind.: June 28, 1969 10
William Parks, Upland, Ind.: Jan. 3, 1969 25
W. H. Parr, Lebanon, Ind.: Dec. 6, 1969 100
Jan. 3, 1969 30
June 28, 1969 200
Mr. and Mrs. Ray H. Parry, Michigan City, Ind.: Feb. 1, 1969 10
Henry Paskin, South Bend, Ind.: June 28, 1969 10
Carl Patterson, Loogootee, Ind.: Jan. 3, 1969 300
Helen and Robert Patterson, Speedway, Ind.: Feb. 1, 1969 10
James J. Paterson, Crawfordsville, Ind.: June 28, 1969 20
Robert Paterson, Beech Grove, Ind.: June 28, 1969 25
Tim Patterson, Corydon, Ind.: June 28, 1969 10
Letcher G. Patton, Charlestown, Ind.: June 28, 1969 25
Norman S. Paul, Washington, D.C.: Feb. 9, 1969 50
Edwin and Mildred Pavese, Elwood, Ind.: June 28, 1969 20
Jessie I. Pavey, South Bend, Ind.: Feb. 9, 1969 50
Michele Payne, Jeffersonville, Ind.: June 28, 1969 10
Ruth Payne, Jan. 1, 1969 5
Louis Pearlman, Jr., Lafayette, Ind: Feb. 1, 1969 25
Feb. 1, 1969 25
June 28, 1969 10
John W. Pelgen, Kokomo, Ind.: June 28, 1969 10
James W. Pendland, Indianapolis, Ind.: June 28, 1969 20
Grace Pennington, Fort Wayne, Ind.: June 28, 1969 5
Edward Pequignot, Jan. 3, 1969 15
Richard Perk, Indianapolis, Ind.: Dec. 6, 1969 100
Chloe Perkins, Bloomfield, Ind.: June 28, 1969 5
John D. Phelan, Carmel, Ind.: June 28, 1969 25
Lowell T. and Ida Ruth Phillips, Tennyson, Ind.: June 28, 1969 100
Richard Phillips, Sullivan, Ind.: June 28, 1969 10
G. Pichart, Camden, Ind.: June 28, 1969 20
J. V. Pickart, Camden, Ind.: June 28, 1969 10
William Pickart, Camden, Ind.: June 28, 1969 10
Fremont O. Pickett, Shoals, Ind.: June 28, 1969 10
Winston Pickett, Feb. 1, 1969 50
Emmett Pierce, Indianapolis, Ind.: June 28, 1969 20
Stanley Piet, Gary, Ind.: June 28, 1969 100
Rosemary Piety, Rantoul, Ill.: June 28, 1969 10
Rev. Leo. A. Piguet, W. Lafayette, Ind.: Feb. 6, 1969 20
Ed Pinkerton, Crawfordsville, Ind.: June 28, 1969 5
Louis Piser, South Bend, Ind.: Feb. 7, 1969 50
Mendel Piser, South Bend, Ind.: June 28, 1969 25
Irvin Platt, Morgantown, Ind.: June 28, 1969 10
Florine Pointer & Thomas, Jeffersonville, Ind.: June 28, 1969 20
William E. Poe, Martinsville, Ind.: June 28, 1969 10
Ralph Pond, Bluffton, Ind.: June 28, 1969 100
Norman Popello, Clinton, Ind.: June 28, 1969 25
Mr. and Mrs. James E. Posey, Fort Wayne, Ind.: Feb. 1, 1969 25
Arthur D. Pratt, Jr., Indianapolis, Ind.: Feb. 1, 1969 10
H. P. Pratt, Shoals, Ind.: June 28, 1969 5
Sylvia Pressler, Ashley, Ind.: June 28, 1969 5
E. S. Preston, Washington, D.C.: Feb. 9, 1969 50
Stanley Prexbindowski, Roanoke, Ind.: June 28, 1969 10
Charles Price, Muncie, Ind.: June 28, 1969 25
Mrs. Floyd Primmer, Frankfort, Ind.: June 28, 1969 10
M. Mendel Prisen, South Bend, Ind.: June 28, 1969 25
Mr. and Mrs. John Pritchard, Madison, Ind.: June 28, 1969 100
Rebecca Proper, Greenfield, Ind.: June 28, 1969 10
Malcolm D. Prough, Shipshewana, Ind.: June 28, 1969 5
John E. Pruitt, Indianapolis, Ind.: June 28, 1969 50
Leslie O., Pruitt, Gary, Ind.: June 28, 1969 100
John Pugsley: Jan. 3, 1969 75
Mrs. Julia Pulliam, Indianapolis, Ind.: June 28, 1969 10
Elizabeth Querman, Westfield, Ind.: June 28, 1969 20
Joe Quixley, Indianapolis, Ind.: June 28, 1969 10
J. H. Rademacher, Washington, D.C.: Feb. 9, 1969 100
Roy Rainey, Indianapolis: June 1969 20
Charles P. Rady, Roachdale: Feb. 1, 1969 10
Samuel Raitzen, South Bend, Ind.: June 28, 1969 50
Dec. 6, 1969 100
Dr. Thomas A. Randall, Logansport: June 6, 1969 100
Mariano Randazzo, South Bend: June 6, 1969 25
Randolph County Democratic Central Committee, Winchester: Feb. 1, 1969 170
Bernard Rapport, Waco, Texas: Jan. 3, 1969 30
George Ranney, Washington, D.C.: Feb. 9, 1969 100
E. F. Ratliff, Indianapolis: Feb. 9, 1969 50
Dr. Milton Ratner, Chicago, Ill.: Feb. 1, 1969 2,500
Sept. 5, 1969 2,500
Frank E. Ratts, Bloomington: Feb. 1, 1969 500
Malcolm D. Raugh, Shipshewana: June 1969 5
Marion Rawlins, Moores Hill: June 1969 40
M. Lorraine Ray, Chesterton, Ind.: Feb. 1, 1969 100
June 1969 25
Richard Ream, Michigan City: Feb. 1, 1969 50
Dr. Robert Reardon, Anderson: Feb. 1, 1969 100
Betty Rector, Boonville: June 1969 10
Dick Redeu, Michigan City: Feb. 1, 1969 50
Luclaire Reed: Jan. 3, 1969 4
Sam Regenstreif, Connersville, Ind.: Feb. 1, 1969 1,000
James R. Regester, Bloomington Feb. 1, 1969 100
June 6, 1969 100
Dec. 6, 1969 100
Jack Reich, Indianapolis: June 1969 200
Ken Reiff, Bryant: June 1969 10
Alma Reisner, Greenwood: June 1969 10
Mike Rendaci, Clinton: June 1969 100
Willis A. Repp, Columbus: June 1969 50
Charles V. Retherford, Jr., Muncie: April 1969 10
June 1969 20
Dr. Warren F. Ricchetti, W. Lafayette: Feb. 1, 1969 100
Mrs. Wilma G. Rice, Helmsburg: June 1969 5
Maynard Rich, Berne: June 28, 1969 25
Henry Richardson, Indianapolis: Feb. 1, 1969 25
Jimmie D. Richardson, Milan: June 1969 10
Rary Richardson, Martinsville: June 1969 13
Harry Richey, Churubusco: June 1969 2
David F. Richmond, Muncie: Feb. 9, 1969 10
C. E. Riehl, Griffith: June 1969 10
Elmo H. Riggen, Dana: June 1969 10
Robert K. Riggins, Advance: June 28, 1969 10
Marjorie Riggs: Jan. 3, 1969 10
William J. Riley, Munster: Feb. 1, 1969 250
Howard L. Ring, Anderson: Jan. 1969 10
George A. Rinker, Lafayette: June 3, 1969 30
Ripley Co. Dem. Women's Club, Osgood: June 1969 100
Robert G. Risk, DDS, Indianapolis: Dec. 6, 1969 100
Esther M. Roach, Crawfordsville: June 1969 10
Russell Robbins, Richmond: Feb. 1, 1969 50
Wayne H. Robbins, Bedford: June 1969 10
Mrs. Arthur S. Roberts, Shelbyville: Feb. 1, 1969 100
June 1969 55
Louis N. Roberts, Fort Wayne: Jan. 3, 1969 10
Warren Roberts, Nashville: June 1969 10
Wilson Roberts, Paoli: June 1969 10
Albert Robinson, Nashville: June 1969 10
Edward N. Robinson, Elkhart: June 1969 10

List of contributors and amount—Continued

[In dollars]

Mrs. K. L. Robinson, New Point: June 1969 — 15
Leonard Robinson, Bloomington: June 1969 — 10
Lucille Robinson, New Point: June 1969 — 10
B. I. Robison, Lebanon: June 1969 — 10
Wilbur Roby, Anderson:
Jan. 3, 1969 — 50
June 1969 — 50
John Rochford: Jan. 3, 1969 — 100
Robert K. Rodebaugh, South Bend: Feb. 1, 1969 — 30
Mr. and Mrs. Edwin Rodenbeck, Bluffton: June 1969 — 10
William Roe, Indianapolis: Jan. 3, 1969 — 500
David Rogers, Bloomington: June 28, 1969 — 100
Donald A. Roger, Bloomington:
Feb. 1, 1969 — 50
June 1969 — 25
Shirley Roland, Cornesville: June 28, 1969 — 10
Raymond B. Rolfe, Greensburg: June 1969 — 15
Mr. and Mrs. Paul Roll, Fredericksburg: June 1969 — 20
Gordon W. Ron, Jeffersonville: June 28, 1969 — 20
L. L. Rooksby, DDS, Portage: June 1969 — 25
Chapman Root, Daytona Beach, Fla.: Jan. 3, 1969 — 500
Irwin R. Rose, Indianapolis:
Jan. 1, 1969 — 25
Dec. 6, 1969 — 100
Oscar Rose, Midwest City, Okla.: Jan. 3, 1969 — 25
Mr. and Mrs. Robert Rose, Indianapolis: Dec. 6, 1969 — 100
Stanley Rosenstein, South Bend: June 28, 1969 — 10
Dick Rosenthall, Washington, D.C.: Feb. 1, 1969 — 200
Mrs. William Rosenthal, Indianapolis: Dec. 6, 1969 — 150
Harvey S. Ross, Lawrenceburg: June 1969 — 10
Mrs. Lorel Ross, Brownsville: June 1969 — 10
Virginia E. Ross, Brownsville: June 28, 1969 — 10
Vern Rossman, Indianapolis: June 1969 — 10
Mr. and Mrs. Maurel Rothbaum, Indianapolis:
June 1969 — 10
Dec. 6, 1969 — 100
Joseph Rothberg, Indianapolis: Dec. 6, 1969 — 100
Sol Rothberg, Fort Wayne:
Dec. 6, 1969 — 100
Feb. 9, 1969 — 100
Mr. and Mrs. John Roy, Elkhart: June 1969 — 10
Mrs. Esther M. Rubin, Speedway: June 1969 — 25
Mr. Burton B. Ruby, Michigan City: Feb. 1, 1969 — 250
W. R. Rucker, MD, Madison: June 1969 — 10
John Rudy, Washington, D.C.: Feb. 9, 1969 — 50
Louis J. Ruehaup, Noblesville, Ind.: June 1969 — 20
Hobart Runyan, Clinton: June 1969 — 10
Juanita Ruskton, Monrovia: June 1969 — 10
Mr. and Mrs. Daniel Russ, Fort Wayne:
Jan. 3, 1969 — 30
June 28, 1969 — 100
Terrance F. Russell, Dana: June 6, 1969 — 10
Henry R. Sackett, Gary: June 28, 1969 — 100
Art Sacks, Indianapolis: December 6, 1969 — 100
Aileen Salee, Indianapolis: June 1969 — 20
Steven L. Salmon, Indianapolis: December 6, 1969 — 100
Carl and Dave Salomon, Fort Wayne: February 1, 1969 — 5
Glenn Sample, Indianapolis: June 28, 1969 — 25
Howard W. Sams, Indianapolis: December 6, 1969 — 100
Kenneth Samuels, January 3, 1969 — 100
Leo O. Sanders, Orleans: June 1969 — 10
Thomas M. Scanlon, Indianapolis:
June 1969 — 100
December 6, 1969 — 100
Mrs. Carl Sartorius, Elkhart: June 1969 — 5
Addie B. Sarver, Indianapolis: June 1969 — 10
Thomas L. Satula, Elkhart: June 1969 — 1
Mr. and Mrs. Burley Scales, Boonville: June 1969 — 20
Mae Scales, Boonville: June 1969 — 10
Eugene Scamahorn, Lebanon: June 1969 — 25
Flossie Scanlon, Indianapolis: June 1969 — 10
Deanna C. Schaefer, Dayton, Ohio: June 1969 — 5
Frank E. Schaefer, Ft. Wayne: June 1969 — 5
M. G. Schaefer, Indianapolis: June 1969 — 25
Sam S. Schabet, Indianapolis:
January 3, 1969 — 30
June 1969 — 25
December 6, 1969 — 100
Jerome Schaller, Washington, D.C.: February 9, 1969 — 50
Eric Schamborn, Bristol: June 1969 — 50
George Scharffenberger, Los Angeles, Calif.: June 1969 — 1,000
Benno M. Scheidler, Attica: June 19, 1969 — 100
Thelma Scheirley, Sunman: June 19, 1969 — 20
H. Richard Schell, MD, Bloomington: February 1, 1969 — 25
Joe Schembre, Kokomo: June 1969 — 25
Donald M. Schewe, Indianapolis: January 3, 1969 — 10
Ed Schier: January 3, 1969 — 5
William L. Schloss, Indianapolis: December 6, 1969 — 100
John Schlotterbeck, Richmond: June 28, 1969 — 25
Paul R. Schnaitter, Madison: June 1969 — 25
Ronald R. Schneider, Jasper: February 1, 1969 — 50
Marie Scholla, Indianapolis: June 1969 — 10
Robert M. Schram, Peru: June 1969 — 100
Henry P. Schrenker, Anderson: January 3, 1969 — 100
Chester E. Schrier, Darlington: June 1969 — 10
Ed Schrier, Brownsburg: January 3, 1969 — 5
Merrill Schrougham, Morgantown: June 1969 — 10
Mr. and Mrs. Gabriel Schuchman, Indianapolis: December 6, 1969 — 100
Mr. and Mrs. H. O. Schuchman, Indianapolis: December 6, 1969 — 100
Maurice Schultz, Oaktown: June 28, 1969 — 20
Phil J. Schwanz, Fort Wayne: June 1969 — 200
Amos B. Schwartz, Geneva: June 1969 — 5
Mrs. Howard Schwartz, Craigville: June 1969 — 10
Robert F. Schwartz, Michigan City: February 1, 1969 — 50
Martin Schwartz, Washington, D.C.: February 9, 1969 — 100
Elizabeth Schwier: January 1, 1969 — 10
S. W. Sclambery, South Bend: June 1969 — 10
Willard Scobee, Greencastle: June 1969 — 20
Marie Scollard, Indianapolis: June 1969 — 10
Corney Scott, Monrovia: June 1969 — 10
George Scott, Kokomo: June 1969 — 20
Jack Scott, Clinton: June 1969 — 25
Leon Scott, Muncie:
Jan. 3, 1969 — 20
June 1969 — 10
Robert S. Scott, Terre Haute: Feb. 1, 1969 — 100
Alvin Seal, Washington, Ind.:
Jan. 3, 1969 — 10
June 1969 — 25
Carl Seet, Indianapolis: June 1969 — 100
Harold Seitz, Columbus: June 1969 — 10
Mr. and Mrs. Verl Selch, Monrovia: June 1969 — 10
Robert B. Selund, Jr., Highland: June 1969 — 10
Robert B. Selund, Jr., Hihgland: June 1969 — 10
Leslie Selvey, Farmland: June 1969 — 20
Mr. & Mrs. Alphonse C. Sermersheim, Jasper:
Feb. 1, 1969 — 100
June 1969 — 25
Dr. N. H. Sevier, Sullivan: June 1969 — 10
Kenneth Shanna, Roachdale: June 1969 — 5
Mr. and Mrs. Joseph Shape, Huntington: June 1969 — 10
Lester G. Shapiro, Washington, D.C.: Feb. 9, 1969 — 100
Mr. & Mrs. Donald M. Sharpe, Terre Haute:
June 1969 — 10
Feb. 7, 1969 — 25
Frederick C. Shaw, Indianapolis: June 1969 — 20
Betty Sheek, Franklin: June 1969 — 10
W. S. Sheilds, Mishawaka: June 1969 — 50
Mrs. Harold L. Shepard, LaPorte: June 1969 — 10
Garland E. Shepherd, Farmersburg: Feb. 1, 1969 — 10
N. H. Sheray, Ft. Wayne:
June 1969 — 200
Aug. 14, 1969 — 200
Glenn Sherill, Montezuma:
June 1969 — 10
Rose Sherill, Montezuma:
June 1969 — 10
H. C. Sherland, Bremen:
June 1969 — 25
W. S. Shields, South Bend:
June 28, 1969 — 50
Oscar Shively, Muncie:
Feb. 1, 1969 — 200
June 1969 — 200
Samuel M. Shobert, Mishawaka:
June 1969 — 100
Sidney Shoeffler:
Feb. 1, 1969 — 50
Mary Louise Shoffner, Bargersville:
June 1969 — 10
Henry M. Shook, Auburn:
June 1969 — 10
Mrs. Cleo Shriner, Indianapolis:
June 1969 — 5
Charlie Schuee, Greencastle:
June 28, 1969 — 20
Mr. Ross Sickler, Monticello:
June 28, 1969 — 10
June 28, 1969 — 10
Herman Siegel, South Bend:
Jan. 3, 1969 — 30
June 1969 — 25
Mrs. E. M. Sikkema, Covington:
June 28, 1969 — 10
Mrs. E. M. Siklema, Covington:
June 1969 — 10
Eleanor Silotto, Dana:
June 1969 — 10
Irving E. Silver, Indianapolis:
June 1969 — 10
Joe Simkin, Indianapolis:
Dec. 6, 1969 — 100
Herbert Simon, Indianapolis:
Dec. 6, 1969 — 100
Mr. and Mrs. Mel Simon, Indianapolis:
Dec. 6, 1969 — 300
Robert P. Sinclair, Napanee:
Keith Sink, Bringhurst:
June 28, 1969 — 20

Richard Sixby, Monticello, Ind.: June 28, 1969 ---------- 10
Harry F. Smiddy, Jr., Hammond, Ind.: June 28, 1969 ---------- 10
Arval M. Smiley, Fowler, Ind.: June 28, 1969 ---------- 25
Dale Smiley, Rushville, Ind.: June 28, 1969 ---------- 10
Judge Alban Smith, LaPorte, Ind.: June 28, 1969 ---------- 10
Austin Smith, Austin, Ind.: June 28, 1969 ---------- 10
Mrs. Avery Smith, Loogootee, Ind.: June 28, 1969 ---------- 10
Charles Smith, Washington, D.C.: January 3, 1969 ---------- 500
Darrell F. Smith, Lebanon, Ind.: June 28, 1969 ---------- 25
Margie Smith, Lebanon, Ind.: June 28, 1969 ---------- 25
Donald Smith, Terre Haute, Ind.: January 3, 1969 ---------- 500
George W. Smith, Albany, Ind.: June 28, 1969 ---------- 10
Herb Smith, Delphi, Ind.: June 28, 1969 ---------- 10
Hubert H. Smith, Howe, Ind.: January 3, 1969 ---------- 30
Irving J. Smith, South Bend, Ind.: June 28, 1969 ---------- 100
James R. Smith, Gosport, Ind.: June 28, 1969 ---------- 20
John Martin Smith, Auburn, Ind.: June 28, 1969 ---------- 10
Kern Smith, Washington, D.C.: February 9, 1969 ---------- 50
Mr. and Mrs. Maurice Smith, Huntington, Ind.:
January 3, 1969 ---------- 50
June 28, 1969 ---------- 10
Mont Smith, Nashville, Ind.: June 28, 1969 ---------- 10
Russell Smith, Indianapolis, Ind.: June 28, 1969 ---------- 20
Vivian B. Smith, Waynestown, Ind.: June 28, 1969 ---------- 10
Walter Smith, Columbus, Ind.: June 28, 1969 ---------- 10
Wilburn Smith, Indianapolis, Ind.: June 28, 1969 ---------- 10
Mr. and Mrs. Sam Smulyan, Indianapolis, Ind.:
Dec. 6, 1969 ---------- 200
June 28, 1969 ---------- 100
Art Snider, Royal Center, Ind.: June 28, 1969 ---------- 20
Maurice Snider, Corydon, Ind.: June 28, 1969 ---------- 100
David Snyder, Indianapolis, Ind.:
Feb. 1, 1969 ---------- 100
June 28, 1969 ---------- 25
Paul Snyder, Nashville, Ind.: June 28, 1969 ---------- 10
Sand Snyder, Indianapolis, Ind.: June 28, 1969 ---------- 25
H. R. Solbrig, South Bend, Ind.: June 28, 1969 ---------- 10
William Sollars: Jan. 3, 1969 ---------- 10
Alex Somerville, Indianapolis, Ind.: Dec. 6, 1969 ---------- 100
Phillip C. Sorenson, Columbus, Ind.: June 28, 1969 ---------- 25
Marcia Souder, New Castle, Ind.: June 28, 1969 ---------- 10
Harry Spanagel, Lawrenceburg, Ind.: June 28, 1969 ---------- 10
Eugene Sparks, Seymour, Ind.: June 28, 1969 ---------- 5
Frances M. Sparks, Marion, Ind.: June 28, 1969 ---------- 5
Ron Spencer, Greenfield, Ind.: June 28, 1969 ---------- 10
Spencer Co. Dem. Women Club, Gentryville, Ind.: June 28, 1969 ---------- 20
V. N. Spencer, Scipio, Ind.: Feb. 1, 1969 ---------- 10
Miklos Sperling:
Feb. 1, 1969 ---------- 500
June 28, 1969 ---------- 500
Dec. 6, 1969 ---------- 1,000
Aug Spitznagel, Indianapolis, Ind.: June 28, 1969 ---------- 20
Gus and Marie Spitznagel, Carmel, Ind.: June 28, 1969 ---------- 20
Bernice Spradling, Union City, Ind.:
Jan. 3, 1969 ---------- 15
June 28, 1969 ---------- 25
Earl Sprague, Hartsville, Ind.: June 28, 1969 ---------- 20
Guy W. Spring, Indianapolis, Ind.: June 28, 1969 ---------- 25
William Spurgeon, Muncie, Ind.: June 28, 1969 ---------- 100
Wiley Spurgeon, Muncie, Ind.: Feb. 9, 1969 ---------- 100
Joe Stacy, Lawrenceburg, Ind.: June 28, 1969 ---------- 10
Gordon St. Angelo, Indianapolis, Ind.: Jan. 3, 1969 ---------- 500
Marvin and Helen Stantz, Clayton, Ind.: June 28, 1969 ---------- 10
David L. Staples, Gary, Ind.: June 28, 1969 ---------- 50
Mildred Staples, Greensburg, Ind.: June 28, 1969 ---------- 10
Robert Staton, Carmel, Ind.: June 28, 1969 ---------- 50
Carl Steed: Jan. 3, 1969 ---------- 10
Allen Steere, Fort Wayne, Ind.: June 28, 1969 ---------- 100
Andrew Steffin, Indianapolis, Ind.:
Jan. 3, 1969 ---------- 500
June 28, 1969 ---------- 200
Dec. 6, 1969 ---------- 100
Richard Stein, Indianapolis, Ind.: June 28, 1969 ---------- 20
Mr. and Mrs. Sidney Stein, Indianapolis, Ind.:
Dec. 6, 1969 ---------- 500
Aug. 6, 1969 ---------- 1,000
George Steinbrenner, Lorain, Ohio: Jan. 20, 1969 ---------- 500
Ralph Stemler, Jeffersonville, Ind.: June 28, 1969 ---------- 90
Dick Stephenson: Jan. 3, 1969 ---------- 10
N. W. Steury, Decatur, Ind.: June 28, 1969 ---------- 35
George Stevens, Plymouth, Ind.:
Jan. 3, 1969 ---------- 30
Dec. 6, 1969 ---------- 100
June 28, 1969 ---------- 500
Bob and Alta Stewart, Rensselaer, Ind.: June 28, 1969 ---------- 10
Robert Stewart, Daleville, Ind.: Jan. 3, 1969 ---------- 200
Estil Stidham, Blocher, Ind.: June 28, 1969 ---------- 10
Wayne Stidham, Richmond, Ind.: June 28, 1969 ---------- 25
John Stierwalt: Feb. 1, 1969 ---------- 300
Charles E. Stimming, Indianapolis, Ind.: June 28, 1969 ---------- 500
Nelson Stitt, Washington, D.C.: Feb. 9, 1969 ---------- 50
George Stocksdale, Huntington, Ind.: June 28, 1969 ---------- 10
Mr. and Mrs. Harold Stolkin, Indianapolis, Ind.: Dec. 6, 1969 ---------- 100
John Stoner, Bloomington, Ind.: Jan. 3, 1969 ---------- 15
J. S. Stradler, Washington, D.C.: Feb. 9, 1969 ---------- 1,000
Donald Strange, Loogootee, Ind.: June 28, 1969 ---------- 10
Frank Strange, Loogootee, Ind.: June 28, 1969 ---------- 10
James A. Strayhorn, Indianapolis, Ind.: June 28, 1969 ---------- 2
Mr. and Mrs. Alonzo Stratton, Indianapolis, Ind.: June 28, 1969 ---------- 25
Howard Stroud, Indianapolis, Ind.: June 28, 1969 ---------- 20
Virginia Studer: Jan. 3, 1969 ---------- 20
Forest Stump: Jan. 3, 1969 ---------- 100
Harold Stump, Auburn, Ind.: June 28, 1969 ---------- 10
Lucyellen Stump, Lebanon, Ind.: June 28, 1969 ---------- 10
Mrs. Brian Sullivan, Indianapolis, Ind.: June 28, 1969 ---------- 20
W. Harold Sullivan, Fort Wayne, Ind.: June 28, 1969 ---------- 5
Albert Summers, Indianapolis, Ind.: June 28, 1969 ---------- 50
Joseph Summers, Martinsville, Ind.: June 28, 1969 ---------- 10
William Summers, Gosport, Ind.: June 28, 1969 ---------- 10
Kenneth Sumpter, Franklin, Ind.: June 28, 1969 ---------- 5
Cecil Sutton, Rensselaer, Ind.: June 28, 1969 ---------- 25
Jeanette Surina, Greenwood, Ind.:
June 28, 1969 ---------- 100
Feb. 9, 1969 ---------- 100
Dec. 6, 1969 ---------- 100
William Swagger, Fremont, Ind.: Jan. 3, 1969 ---------- 500
Sam Swan: Jan. 3, 1969 ---------- 30
Don Sweeney, Berne, Ind.: Feb. 1, 1969 ---------- 10
Ralph Sylvester: June 28, 1969 ---------- 25
Eugene V. Talkington, Madison, Ind.: June 28 ---------- 10
Abe Taylor, West Lafayette, Ind.: June 28 ---------- 25
Richard Taylor, Washington, D.C.: Feb. 9, 1969 ---------- 50
Thomas T. Taylor, New Whiteland, Ind.: June 28, 1969 ---------- 10
W. H. Taylor, Ft. Wayne, Ind.: Jan. 3, 1969 ---------- 30
Dale K. Teaford, Greencastle, Ind.:
June 28, 1969 ---------- 100
Jan. 3, 1969 ---------- 30
Elmer & Mary M. Tekulve, Columbus, Ind.: June 28, 1969 ---------- 20
Karl Tellman, Betholomew, Ind.: June 28, 1969 ---------- 25
Frank Templeton, Monticello, Ind.: June 28, 1969 ---------- 100
Louis Tenofsky, South Bend, Ind.: Feb. 1, 1969 ---------- 10
Millard Thickstun, Nashville, Ind.: June 28, 1969 ---------- 10
John E. Thomas, Sr., Michigan City, Ind.: June 28, 1969 ---------- 10
Mrs. Virginia Thomas, Portage, Ind: June 28, 1969 ---------- 10
Clark Thompson, Washington, D.C.: Feb. 9, 1969 ---------- 50
Clifford S. Thompson, Clinton, Ind.: June 28, 1969 ---------- 25
Donald Thompson, Columbus, Ind.: June 28, 1969 ---------- 50
Hubert Thompson, Lebanon, Ind.: June 28, 1969 ---------- 10
J. Ralph Thompson, Seymour, Ind.: Feb. 1, 1969 ---------- 50
Jim Thompson, Seymour, Ind.: Feb. 1, 1969 ---------- 50
O. W. Thompson, Columbus, Ind.: June 28, 1969 ---------- 25
Roy H. Thompson, Worthington, Ind.: June 28, 1969 ---------- 25
Wayne Thompson, Decker, Ind.: June 28, 1969 ---------- 100
Hugh Thornburg, Indianapolis, Ind.: Jan. 3, 1969 ---------- 30
James Thornton, New Albany, Ind.: Feb. 1, 1969 ---------- 200
Ted Throckmorton: June 28, 1969 ---------- 20
Herbert E. Thyen, Jasper, Ind.: June 28, 1969 ---------- 25
Newton E. Tichenor, Greensburg, Ind.: June 28, 1969 ---------- 10
Charles R. Tiede, Wabash, Ind.: June 28, 1969 ---------- 10
Robert Till: Jan. 3, 1969 ---------- 2
Robert A. Tillett, Osceola, Ind.:
Jan. 3, 1969 ---------- 30
June 28, 1969 ---------- 25
Ronald S. Timmons, Indianapolis, Ind.: June 28, 1969 ---------- 10
J. E. Timothy, Earl Park, Ind.: June 28, 1969 ---------- 40
Mrs. Gerald C. Todd, Tipton, Ind.: Feb. 1, 1969 ---------- 25
Joe & Marie Torline, Madison, Ind.: June 28, 1969 ---------- 25

List of contributors and amount—Continued

[In dollars]

Mrs. Wilson Tow, Speedway, Ind.: June 28, 1969 20
Wayne Townsend, Upland, Ind.: Jan. 3, 1969 30
Donald Travis, Plymouth, Ind.: June 28, 1969 25
Los L. Tremper, Connersville, Ind.: June 28, 1969 25
William D. Tremper, Jr., Connersville, Ind.: June 28, 1969 50
Violet Treste, Mooresville, Ind.: June 28, 1969 10
R. S. Tribbe, Washington, D.C.: Feb. 9, 1969 50
John W. F. Trout, Jr., New Castle, Ind.: June 28, 1969 10
Mr. and Mrs. Alvah Troyer, LaFontaine, Ind.:
Jan. 3, 1969 30
June 28, 1969 20
Michael Truchan, Lake Del Carlie, Ind.: June 28, 1969 100
Mr. & Mrs. Fred Tuchman, Indianapolis, Ind.: June 28, 1969 100
Tilmer Tucker: Jan. 3, 1969 25
Margaret Tucker, Spencer, Ind.: Feb. 1, 1969 10
Maurice Tucker, South Bend, Ind.:
Jan. 3, 1969 50
June 28, 1969 50
Dec. 6, 1969 100
Ralph Tucker, Terre Haute, Ind.: June 28, 1969 50
Hazel R. Tudor, Stilesville, Ind.: June 28, 1969 10
Thomas C. Tumbove, Indianapolis, Ind.: June 28, 1969 25
Andy Tumen, Marshall, Ill.: June 28, 1969 50
J. J. Tuohy, Indianapolis, Ind.: June 28, 1969 25
Bill Turner, Logansport, Ind.: Feb. 1, 1969 100
Charles Turner, Monrovia, Ind.: June 28, 1969 10
Mrs. W. J. Ullrich, Aurora, Ind.:
Jan. 3, 1969 10
June 28, 1969 10
District #30, U.S. Steelworkers, Political Action Fund, Indianapolis, Ind.:
Dec. 30, 1968 1,000
June 4, 1969 500
Bennett Utterback, Bargersville, Ind.: June 28, 1969 10
Mr. & Mrs. Earl M. Utterback, Kokomo, Ind.: June 28, 1969 25
Edgar Utterback, Bargersville, Ind.: June 28, 1969 10
Richard J. VanMele, South Bend, Ind.: June 28, 1969 10
Bethany R. Van Riper, Noblesville, Ind.: June 28, 1969 10
B. F. PanderPoel, Jan. 3, 1969 150
James Van Winkle: Feb. 1, 1969 25
David P. Varble, Clark County, Ind.: June 28, 1969 10
Velma Vaughn: Jan. 3, 1969 30
Temple Vaught: Feb. 1, 1969 5
Alda M. Vellutini, Crown Point, Ind.: Jan. 3, 1969 30
Charles O. Verilly, Washington, D.C.: Feb. 9, 1969 200
Daniel T. Veza, Indianapolis, Ind.: June 28, 1969 25
William Vinovich, Gary, Ind.: June 28, 1969 10
Bill Vissing, Jr., Jeffersonville, Ind.: June 28, 1969 20
Arthur M. Vivian, Richmond, Ind.: Feb. 9, 1969 50
Jerry Vogel, South Bend, Ind.: June 28, 1969 10
L. Marshall Vogler, Hope, Ind.: June 28, 1969 20
L. Voight, Indianapolis, Ind.: June 28, 1969 10
Leo Voisard, Muncie, Ind.: Jan. 3, 1969 30
Robert Volger: Jan. 3, 1969 30
Robert Vollmer, Loogootee, Ind.: June 28, 1969 10
Clarence Voltzman, Fulda, Ind.: June 28, 1969 10
Edward Volz, Connersville, Ind.: June 2, 1969 20
Henry N. Voss, Milan, Ind.: June 28, 1969 10
Dale Wainscott, Indianapolis, Ind.: June 28, 1969 40
Walter Walb, Fort Wayne, Ind.: June 28, 1969 100
Marie P. Walcott, Shelbyville, Ind.: June 28, 1969 10
Dorothy Walker, Indianapolis, Ind.: June 28, 1969 10
Meredith G. Walker, Kirklin, Ind.: Feb. 1, 1969 10
W. Henry Walker, East Chicago, Ind.: Feb. 1, 1969 500
Mr. W. T. Walker, Anderson, Ind.: June 28, 1969 10
Jim Wall, Winchester, Ind.: June 28, 1969 50
Lucielle Wall, Newcastle, Ind.: June 28, 1969 10
Mr. and Mrs. Eldo Wallace, Earl Park, Ind.: June 28, 1969 10
Leon H. Wallace, Bloomington, Ind.: Jan. 3, 1969 50
June 28, 1969 25
Mr. and Mrs. James Wallace, Covington, Ind.: Feb. 1, 1969 50
Robert Wallace, Portland, Ind.: June 28, 1969 10
Lawrence R. Walsh, Muncie, Ind.:
April 1969 5
June 28, 1969 10
Herbert Walters, Nashville, Tenn.: Jan. 3, 1969 100
Joe Walters, Washington, D.C.: Feb. 9, 1969 250
Lloyd Wampler, Plymouth, Ind.: June 28, 1969 50
Luke Ware, Richmond, Ind.: June 28, 1969 5
Frank Warford, Nashville, Ind.: June 28, 1969 10
Clem Warn, Indianapolis, Ind.: June 28, 1969 25
Hubert Warren, Cortland, Ind.: June 28, 1969 20
Joseph W. Wasson, Waldron, Ind.:
Feb. 1, 1969 5
June 28, 1969 10
Mayor Ed Watson, Jacksonville, Ind.: June 28, 1969 10
Kenneth A. Watson, Martinsville, Ind.: June 28, 1969 10
Dr. Robert T. Watson, Nutley, N.J.: June 28, 1969 100
Thomas J. Watson, Jr., Washington, D.C.: Feb. 1, 1969 200
Walter Wayman, Nashville, Ind.: June 28, 1969 10
Wayne Township Democratic Club, Indianapolis, Ind.: June 28, 1969 10
Mrs. Emily Weathers, Indianapolis, Ind.: June 28, 1969 10
Lloyd Weaver, Portage, Ind.: June 28, 1969 20
E. Murphy Webb, Huntington, Ind.:
Feb. 1, 1969 100
June 28, 1969 30
Hugh Weber, Carthage, Ind.: June 28, 1969 10
Arthur M. Weimer, Bloomington, Ind.:
Jan. 3, 1969 30
Feb. 1, 1969 50
June 28, 1969 25
Dr. Eugene Weiss, South Bend, Ind.: Feb. 1, 1969 10
Morris Weiss, Gary, Ind.: June 28, 1969 25
Mr. & Mrs. Zoltan Weisz, Indianapolis, Ind.:
Feb. 1, 1969 100
June 28, 1969 25
Dec. 6, 1969 200
John A. Welch, Indianapolis, Ind.: June 28, 1969 10
Robert V. Welch, Indianapolis, Ind.: June 28, 1969 500
Ruth Welch, Auburn, Ind.: June 28, 1969 10
Robert Welker, Roanoke, Ind.:
Jan. 3, 1969 20
June 28, 1969 25
Keith Wellman, Noblesville, Ind.: June 28, 1969 10
G. C. Wells, Jan. 3, 1969 75
John E. Welsh, Vincennes, Ind.: Jan. 3, 1969 30
Patricia Welsh, Indianapolis, Ind.: June 28, 1969 10
Robert J. Welsh, Gary, Ind.: Feb. 1, 1969 50
Mr. H. L. Weninger, North Judson, Ind.: June 28, 1969 50
Dorothy Werkheiser, Jan. 3, 1969 10
Hazel Weston, Brookville, Ind.: June 28, 1969 10
Eugene Wethington, Indianapolis, Ind.: Feb. 1, 1969 5
Al Wheeler, Washington, D.C.: Feb. 9, 1969 250
Mr. J. H. Wheeler, Greensburg, Ind.: Feb. 1, 1969 25
John Wheeler, Washington, D.C.: Feb. 9, 1969 50
Robert B. Whinrey, Muncie, Ind.: Feb. 1, 1969 500
Edward A. White, Fort Wayne, Ind.: Feb. 1, 1969 200
Florence White, Indianapolis, Ind.: June 28, 1969 10
Mr. and Mrs. Howard White, New Castle, Ind.: June 28, 1969 10
Max L. White, Angola, Ind.: Feb. 1, 1969 30
Robert S. Whitehead, Kokomo, Ind.: June 28, 1969 10
William Whitlatch, Lexington, Ind.: Jan. 3, 1969 10
John W. Whiteleather, Jr., Columbia City, Ind.: June 28, 1969 10
Don Wickens, Greensburg, Ind.: June 28, 1969 10
Hazel Widdows, Geneva, Ind.: June 28, 1969 20
J. F. Wiechman, Richmond, Ind.: Feb. 1, 1969 50
Richard L. Wilder, Bloomington, Ind.: Dec. 6, 1969 100
F. A. Wilhelm, Indianapolis, Ind.: June 28, 1969 100
Robert E. Wilhelm, Hammond, Ind.: Feb. 1, 1969 100
Robert Willey, Washington, D.C.: Jan. 3, 1969 50
Boyd R. Williams, Clayton, Ind.: June 28, 1969 10
Clem Williams, Greencastle, Ind.: Feb. 1, 1969 10
Clyde Williams, Jr., South Bend, Ind.:
Jan. 3, 1969 1,000
June 28, 1969 1,000
James Williams, Corydon, Ind.:
Jan. 3, 1969 15
June 28, 1969 10
Mr. and Mrs. James P. Williams, Indianapolis, Ind.: June 28, 1969 25
Manon Williams, Indianapolis, Ind.: June 28, 1969 100
Marion A. Williams, Indianapolis, Ind.: June 28, 1969 100
Marshall E. Williams, Indianapolis, Ind.:
Feb. 1, 1969 25
June 28, 1969 25
Rhoda Williams, Indianapolis, Ind.:
Jan. 3, 1969 25
June 28, 1969 50
Ruby Williams, Indianapolis, Ind.: June 28, 1969 25
Sarah J. Williams, Greencastle, Ind.: June 28, 1969 10
Thomas W. Williams, Indianapolis, Ind.: June 28, 1969 10

Hon. James R. Williamson, West Lafayette, Ind.: Feb. 1, 1969 25
William H. Williamson, Indianapolis, Ind.: June 28, 1969 10
Mrs. Ann Wilson, Elkhart, Ind.: June 28, 1969 20
Ernest Wilson, Bluffton, Ind.: June 28, 1969 10
Mrs. Freida Wilson, Clinton, Ind.: June 28, 1969 25
J. B. Wilson, Indianapolis, Ind.: June 28, 1969 10
Keith Wilson: Jan. 3, 1969 10
L. Dale Wilson, Noblesville, Ind.: June 28, 1969 20
Laura Jean Wilson, Greencastle, Ind.: June 28, 1969 10
Lyndal Wilson, Kokomo, Ind.: June 28, 1969 25
Russell Wilson: Jan. 3, 1969 25
Wm. J. Wilson, Boonville, Ind.: June 28, 1969 10
Mr. and Mrs. Fred Witney, Bloomington, Ind.: June 28, 1969 10
Mr. Charles W. Wolf, Reynolds, Ind.: Jan. 3, 1969 50
Mr. and Mrs. Frederick W. Wolf, Clarksville, Ind.:
Jan. 3, 1969 10
June 28, 1969 10
Henry Wolf, Logansport, Ind.: June 28 1969 20
Kenneth Wolf, Acton, Ind.: June 28, 1969 5
William H. Wolf, Greenfield, Ind.: June 28, 1969 100
Mary Louise Wolfard, Indianapolis, Ind.: January 3, 1969 10
Mary Louise Wolfard, Indianapolis, Ind.: June 28, 1969 100
M. Wolka, Seymour, Ind.: June 28, 1969 20
Richard A. Wollenboeler, Indianapolis, Ind.: June 28, 1969 5
Joseph G. Wood, Jr., Indianapolis, Ind.: June 28, 1969 100
Robert Woodward, Fairbanks, Ind.: June 28, 1969 20
H. E. Woods, Muncie, Ind.: April 1969 25
Albert Woodward, Washington, D.C.: February 9, 1969 100
Evans Woollen III, Indianapolis, Ind.: June 28, 1969 10
Agnes F. Woolery, Bloomington, Ind.: June 28, 1969 25
D. O. Woolf, Indianapolis, Ind.: June 28, 1969 10
V. L. Worland, Shelbyville, Ind.: January 3, 1969 30
F. Leo Wright, Washington, D.C.: February 9, 1969 50
Warren C. Wright, Williamsport, Ind.: June 28, 1969 25
Dan Wyant, Marion, Ind.: June 28, 1969 50
D. R. Wygant, Huntington, Ind.: January 3, 1969 30
D. R. Wygant, Huntington, Ind.: June 28, 1969 25
W. W. Wyneken, Ft. Wayne, Ind.: June 28, 1969 10
Perry W. Woofter, Washington, D.C.: June 28, 1969 100
Charles Yeager, Delphi, Ind.: June 28, 1969 250
Donald Yeakley, Sr., Bringhurst, Ind.: June 28, 1969 20
Don Yeakley, Bartholomew, Ind.: June 28, 1969 25
Melton T. Yelvington, Indianapolis, Ind.: June 28, 1969 10
Mrs. Newell W. Yoder, Plymouth, Ind.: Feb. 1, 1969 10
L. Marshall York, Hope, Ind.: June 28, 1969 20
R. A. York, Columbus, Ind.: June 28, 1969 20
Louis B. Yosha, Indianapolis, Ind.: Dec. 6, 1969 100
Harry Young: Jan. 3, 1969 5
Jack Young, Ft. Wayne, Ind.: June 28, 1969 200
John E. Young, Indianapolis, Ind.: June 28, 1969 10
Richard Young, Martinsville, Md.: June 28, 1969 10
Steven Young, Indianapolis, Ind.: June 28, 1969 5
Vic Young: Jan. 3, 1969 16
Chris Zak, Gary, Ind.: June 28, 1969 100
John M. Zanetis, Olney, Ill.: Jan. 3, 1969 30
George J. Zazas, Indianapolis, Ind.: June 28, 1969 100
Dec. 6, 1969 100
Mrs. Dorothy Zellers, Fairoaks, Ind.: June 28, 1969 25
Harry Zerbe, Lawrenceburg, Ind.: June 28, 1969 100
Milan Zima, Portage, Ind.: June 28, 1969 20
Norbert Zimmer, Kentland, Ind.: Jan. 3, 1969 10
Corrine Zimmerman, Angola, Ind.: June 28, 1969 5
Liz Zorn, Bloomington, Ind.: June 28, 1969 25
Everett Zurn, Washington, D.C.: 100
Ernest Zwerner, Terre Haute, Ind.: Feb. 7, 1929 25

SPACE SHUTTLE PROPOSAL

Mr. MONDALE. Mr. President, the Senate soon will be debating NASA's proposal to develop a multibillion-dollar space shuttle. On April 25, 1972, I wrote to the chairman of the Senate Committee on Aeronautical and Space Sciences explaining in some detail my opposition to this proposal.

As I stated in that letter, the case against the shuttle centers on: First, its concealed and burgeoning cost and; second, the absence of any clear-cut policy to justify or guide such a massive expenditure.

I ask unanimous consent that the following items be printed in the RECORD: First, my letter of April 25, 1972, to the Senate Committee on Aeronautical and Space Sciences; second, a letter to me from Dr. Ralph Lapp, dated April 24, 1972, which emphasizes certain points made in his earlier testimony before the Senate Committee on Aeronautical and Space Sciences; and third, Dr. Lapp's testimony of April 12, 1972.

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

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., April 25, 1972.

Hon. CLINTON P. ANDERSON,
Committee on Aeronautic and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Before the Committee's deliberations on the NASA Authorization bill, I would like to explain my continued opposition to the proposed development of a space shuttle.

As you know, there has been significant criticism of this program in the scientific community. *The Space Science Board of the National Academy of Sciences, the Federation of American Scientists, and many independent space scientists have expressed strong reservations about the wisdom of developing the shuttle.* Since billions of the taxpayers' dollars are at stake here, I urge the Committee to carefully consider the views of these scientists.

For example, Dr. James Van Allen, a pioneer of the U.S. space program, has observed that a massive program like the shuttle "is far beyond the context of any existing national policy on the scope and magnitude of our activities in space during the next two decades." He estimates that a "well designed program of space applications"—including such activities as radio communications and earth reconnaissance—can be maintained by delivery into earth of only about 50,000 pounds of satellites per year It should be emphasized that 50,000 pounds is *less* than the capacity of *one* shuttle flight.

Dr. Thomas Gold (a member of the President's Science Advisory Committee and Director of Cornell's Center for Radiophysics and Space Research) has also vigorously opposed the shutttle's development. In testimony recently submitted to the Committee, he stated:

"If we were certain that we wanted a large continuous manned earth orbital program throughout the 1980's then it would be easier, despite the great uncertainties, to justify the development costs of the Shuttle. But the case for such a program is weak. It cannot be justified for applications purposes nor for science. . . . For unmanned, instrumental flight purposes, such as is required for applications programs and for space science, the economic advantages of the Shuttle is very doubtful."

And perhaps most significant, the Space Science Board of the National Academy of Sciences has also expressed skepticism about the shuttle. In a 1971 report entitled *Priorities for Space Research, 1971–1980,* this Board made the following observation on the proposed development of the shuttle and station:

"The absence of recommendations concerning the shuttle and space station should also be noted. These were considered as vehicles for the support of science, but we found the concepts too vaguely defined with respect to costs and engineering difficulties to permit any realistic assessment of the potential values to scientific research and applications. Nor was the Study able to evaluate the economics of the shuttle, because it depends so strongly on the volume of space traffic, which in turn is dependent upon many user activities besides those included in the present frame of reference. *It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.*" (emphasis added)

I believe, therefore, that there is a compelling case for rejecting—or at the very least, postponing—Senate authorization of any further funds for development of the space shuttle. The case against the shuttle centers on (1) its concealed and burgeoning costs, and (2) the absence of any clear-cut policy to justify or guide such a massive expenditure.

THE SHUTTLE'S REAL COST

As the Committee well knows, the shuttle will require a large and expanding commitment of limited Federal resources. The $227.9 million for the shuttle requested by NASA for FY 1973 is merely the tip of a multibillion dollar iceberg. According to NASA's own latest estimates, the total development and investment costs for this transportation system are *$8 billion.*

It should be noted that this $8 billion figure includes the space tug—an $800 million vehicle which NASA concedes is "an essential future element of the total space transportation system." Despite NASA's admission that many shuttle missions will depend on the space tug, the Agency has consistently *omitted* this item in its public statements on the shuttle's development cost.

This $8 billion estimate assumes that the actual development and procurement cost of an extremely complex technological program like the shuttle can be accurately predicted. Yet in light of the enormous cost overruns experienced in almost every large-scale aero-

space and defense project, there is no basis for such an optimistic assumption. It is quite likely, then, that the ultimate development and procurement costs of the shuttle will greatly exceed $8 billion.

And even without any cost overruns, this estimate is still deceptive, since it does *not* include the sizeable cost of the projected shuttle payloads or its actual operating costs. Thus, the most recent Mathematica Report (a study funded by NASA, which NASA relies on to justify the shuttle) estimates that the shuttle's total program cost over a 12-year period will be $35 billion—which makes this program far more expensive than Apollo.

It should be emphasized, moreover, that this $35 billion figure still does not include the multi-billion dollar cost of developing a permanent manned station to be placed in earth orbit. Because the shuttle is inevitably linked to the eventual development of such a space station, the complete cost of this program—assuming no cost overruns—will approach $40 billion!

Not surprisingly, NASA and the Administration have tried to obscure the real cost implications of this program. Instead of openly focusing the debate on these costs, they have consistently made claims that the shuttle will greatly reduce the cost of space transportation to earth orbit.

For example, in his January 5, 1972 statement on the shuttle, President Nixon claimed that the shuttle "may bring operating costs down as low as one-tenth of those of present launch vehicles." On that same date, Dr. Fletcher, the NASA Administrator, was more specific about the shuttle's capability for reducing space transportation costs: "It is estimated," he stated, "that the reusable space shuttle will reduce the cost per pound of putting a payload into space from $600 and $700 (using existing expendable boosters) to $100." And Dr. Myers, NASA's Associate Administrator, testified last year that the cost might be reduced to "as low as $75 per pound of payload."

However, as Dr. Ralph Lapp pointed out in his testimony before the Committee on April 12, 1972, there is no basis in fact for these extravagant claims. Using the data supplied in the 1972 Mathematica Report, Dr. Lapp concluded that *at the very least,* every pound put into orbit by the shuttle will cost $2,250—which is *3 times* more expensive than the transportation costs of existing launch vehicles.

Here is how Dr. Lapp reached his conclusion:

"Mathematica, Inc. estimates the Launch Vehicle (LV) costs for 514 shuttle flights as $12.0 billion. Dr. Fletcher in his February testimony updated this figure to $13.1 billion. This amounts to *$25.5 million per Shuttle flight."*

Mathematica, Inc. (Vol. 11 page 6–42) states: "As it turns out, the actual loading of Space Shuttle Systems in terms of *satellite payload weight* comes to about 5,000 pounds on the average (*not* the 40,000 pounds theoretically available)." Thus, a total of 514 Shuttle flights equals a total of *2.6 million pounds of orbital payload.*

If we divide $25.5 million by 5,000 pounds, we get a unit price of $5,100 per pound placed in orbit. This, I maintain, is the true price since it is based on full accounting of all new appropriated dollars for the space program transportation system. However, proponents of the Shuttle may argue that they refer their unit prices *only* to operating costs without figuring in research, development, test and engineering and shuttle investment. Well, that isn't the way General Motors figures it when I buy a car, but even if we look at operating costs the unit price is nowhere near President Nixon's goal.

Although operating costs for the latest configuration of the Space Shuttle are undergoing almost monthly revision, the latest figure I find is that of $10.5 million per shuttle flight. This figure is, in my opinion, a highly optimistic one since it assumes that the solid rocket motor (SRM) cases will be used as many as 20 times. Inferior multiple use of the booster could double the unit operating cost. However, accepting the $10.5 million statistic and dividing by 5,000 pounds yields *$2,250 per pound placed in orbit. Thus even on this lowest Shuttle cost basis, the unit cost is triple that specified by Dr. Fletcher for conventional expendable rockets."*

Based on NASA's own data, this analysis conclusively demonstrates that the shuttle *cannot* achieve the savings in space transportation costs claimed by NASA and the Administration.

In fact, as Dr. Lapp observed, "the space shuttle will, according to NASA's own numbers, *be more expensive than a variety of launch vehicles which NASA now uses."*

Confronted with this analysis, NASA seems to have abandoned its earlier claims (which it extensively promoted in the media and before the Congress) about the shuttle's alleged reductions in existing transportation costs (See NASA's comments on Dr. Lapp's testimony, *Congressional Record,* 13789). Instead, it rests its entire economic case for the shuttle on the reports of its contractors—particularly the Mathematica Report. This report concluded that the shuttle is economically feasible "assuming a level of space activity equal to the average of the United States unmanned program of the last eight years."

The Mathematica study constructs a future scenario of 514 space missions over a 12-year period. On the basis of this scenario, it concludes that the U.S. will "save" $7 billion by using the shuttle instead of existing launch vehicles. However, this finding is based on the *assumption* that the U.S. will spend *$42 billion* using expendable vehicles for earth orbital missions during this 12-year period. Accepting this $42 billion program. Mathematica concludes that the shuttle's total program cost will be "only" $35 billion—thus, leading to the "savings" of $7 billion.

But the Congress has never approved such a $42 billion program. And until it does, any projections of shuttle economies based on such an escalation in future space activity are meaningless and deceptive.

Furthermore, the Mathematica Report compares the development and procurement costs of existing launch vehicles—which are well-defined—with NASA's *estimates* of the shuttle's development and procurement costs. But as Dr. Oskar Morgenstern (the Chairman of the Board of Mathematica) told the Committee, all of the proposed shuttle designs have "considerable cost uncertainties" attached to them. "Given the advance in space transportation proposed by the space shuttle system," Dr. Morgenstern continued, "these cost uncertainties are prominent."

Dr. Lapp made the same point in his testimony:

"I would like to emphasize that any comparison of Space Shuttle and current expendable space vehicles must take into account the fact that in the development of any new technology contractor estimates of systems costs are hardly reliable. Rand studies (Alvin J. Harman "A Methodology for Cost Comparison and Prediction" August 1970 RM–6269–ARPA and Robert Summers "Contractor Estimate and Prediction of Actual Weapons Costs: March 1965 RM–3061–PR) show that contractor estimates are invariably low and that actual costs exceed the estimates by 80 percent."

Thus, if NASA's relatively speculative cost estimates for the shuttle prove to be unreliable—which is quite likely—Mathematica's fragilely constructed rationalization for the shuttle will collapse.

Finally, it should be emphasized that Mathematica carried out its economic analysis solely on the basis of space traffic data provided to them by Aerospace, Inc. and Lockheed Missiles and Space Company—all three NASA contractors.

I do not believe that we should make another multi-billion dollar commitment to a new space program *solely* on the basis of studies solicited and paid for by the agency which has the greatest stake in this decision.

In an *independent* analysis of the Mathematica study, Dr. Lapp concluded that "instead of 'saving' $7 billion, the Shuttle could actually 'cost' us $19 billion more for the U.S. space program."

Regardless of whether the Committee agrees with every point in Dr. Lapp's analysis, he has raised serious questions—questions which deserve to be examined in an impartial study by a body which is free of any conflicting interests and which is in no way dependent on NASA.

LACK OF CLEAR-CUT POLICY

Beyond these serious questions about the hidden costs and cost-effectiveness of the shuttle, there is another basic reason for opposing this project.

It seems to me self-evident that the Congress should not approve such massive spending of tax money for development of the shuttle—or for development of any other space transportation system—until we have established a realistic space program for the future. With the impending phase-out of the Apollo program, however, the nation simply lacks any agreed-upon set of objectives—any coherent future policy—for our space program. Only *after* Congress has approved long range missions in space and defined their probable costs would we *then* consider whether an expensive new transportation system to earth orbit is really required—or whether we can save billions by continuing to rely on existing expendable boosters.

Instead, NASA is urging us to approve a multi-billion dollar investment in the space shuttle *before* these long term goals in space are established as a matter of national policy. NASA openly admitted this in responding to Dr. Lapp's assertion that the U.S. has not approved the $42 billion program for orbital missions projected in the Mathematica Report:

"Of course," NASA stated, *"the United States has not approved in detail any space program for the 1980's;* NASA and DOD will continue to seek approval from the Administration and the Congress of their space activities—program by program—as they now do each year." (See *Congressional Record,* page 13790).

This *ad hoc,* improvised approach may have been feasible so long as NASA was operating within the general context of the Apollo moon program. But with the end of Apollo in sight, neither the public or the Congress—and apparently not even NASA—have an overall strategy and purpose to guide the enormous investments we are now being asked to make. This purposelessness and lack of policy makes no more sense than it would in national defense, in transportation programs here on earth, or in any other type of public program.

What we are being asked to do, then, in approving the shuttle, is to purchase a fantastically expensive vehicle with no real idea of the legitimate and worthwhile transportation demands for that vehicle.

But one thing is certain: If NASA has its way, a commitment to develop the shuttle inevitably will close off certain policy options and back us into others without the slightest public debate on realistic space goals for the future.

And without an approved space program for the future, any analysis of the shuttle's cost-effectiveness—such as the Mathematica Report—is highly speculative and can only be hypothetical. We should keep in mind

that Mathematica rests its conclusions on the completely unwarranted assumption that the U.S. will have a $42 billion earth orbital space program over a projected 12-year period.

In a March 29, 1972 speech at the University of Toledo, Dr. Ralph Lapp aptly characterized NASA's advocacy of the shuttle:

"I submit that NASA is putting the cart before the horse—or the rocket before the payload—in focusing Congressional attention on a launch vehicle when it should, in fact, be examining the nature of the future U.S. space program. The only way you can make the Space Shuttle even begin to look economically attractive is to make it a weekly work horse for boosting huge payloads into orbit. I submit that before we get ourselves into a massive trucking operation, we ought to ask ourselves what is the basic purpose and payoff of this vastly expensive activity."

The fact that the shuttle is viewed by NASA as an end in itself—rather than as a transportation system—is demonstrated by the shifts and zig-zags in this project since it was first proposed several years ago. In its desperation to get the shuttle funded, NASA has repeatedly changed its design, purpose, and justification—not to meet legitimate scientific or technological demnads, but to make it politically salable.

In 1970, the shuttle and station were presented by NASA as a joint project—the basis of what NASA called "a new epoch in manned space flight." The Agency justified the shuttle primarily as a reusable "logistical truck" for carrying men and supplies to a permanent manned space station in earth orbit.

In early 1971, NASA—responding to budgetary pressure—argued that the shuttle was no longer related to development of the station and that it could be justified on its own merits. Within the space of one year, NASA completely changed the shuttle's mission and its justification. As one NASA official put it:

"This does represent a reversal of priorities. Initially, we thought of the shuttle only in terms of the station; now the shuttle is to the fore alone."

NASA's 1971 version of the shuttle was a reusable, two-staged vehicle—with both stages piloted by men. The estimated development cost of that shuttle was $12.8 billion.

Prior to last year's debate on this issue, NASA *again* realized that it would be difficult to persuade the Congress to fund such a costly development program. On June 16, 1971 the Agency issued a release stating that it was actively examining a "phased approach" to the "development of a reusable space shuttle system in which the orbiter vehicle would be developed first and initially tested with an interim expendable booster." In other words, NASA was considering deferring a reusable, two-staged shuttle in return for a partly reusable vehicle.

Finally, on January 5, 1972, the President announced still another shuttle design. This design—now being considered by the Committee—consists of a partly reusable, unmanned booster (which NASA assumes will be reused as many as 20 times) and a manned orbiter (which NASA claims is capable of carrying out 100 space missions.)

One clear fact emerges from this pattern of shifting justifications and changing designs: NASA desperately wants this multibillion dollar project, and will seek any rationale to justify its development.

What we see, then, is a classic case of a program and agency in search of a mission. Instead of the normal process of presenting a clear and consistent justification for a program—and then seeking to fund it—NASA wants to develop this project on a "fund now, justify later" basis.

There is no more vivid example of the murkiness of NASA's position—and the confusion caused by an absence of coherent policy—than the ambiguous relationship between the space shuttle and the space station. First, NASA presented the shuttle and station as a joint project—with the shuttle serving as a logistical truck to the station; then, NASA claimed that the shuttle had been "decoupled" from the station; and finally, at the beginning of this year's debate, the station again emerged as an integral part of the program to develop a shuttle.

In his January 5, 1972 statement, Dr. Fletcher stated that "farther in the future," the shuttle will be used to "resupply with men and equipment space modules which themselves have been brought to space by the space shuttle." Dr. Myers (NASA's Associate Administrator for manned space flight) was even more specific in his recent testimony before the Committee; he stated that one of the shuttle's primary missions will consist of "Space Station logistic support." And as Dr. Lapp pointed out, the Mathematica Report, in its tabulation of future space shuttle missions, listed a minimum of 62 flights to a space station.

It is obvious then, that the space station is very much a part of NASA's future plans. Nevertheless, NASA persists in attempting to focus this debate on the shuttle alone. They realize that a joint shuttle-station project raises two significant problems.

First, the simultaneous development of both the shuttle and station will create an enormous budgetary strain. In 1970, NASA estimated that the station's development would cost approximately $7 billion; recently, this estimate has decreased to $3 billion. But like estimates for the shuttle itself, I believe that these figures are most unrealistic and that the final costs of the station will be a great deal higher than NASA claims.

And second, the space station is based on the unproven assumption that man can function effectively in a space environment for long periods of time.

A 1969 Report by the House Subcommittee on Space Science and Applications stated that:

"If there is an ultimate limiting factor (to exploring space), it may well be the length of time through which man can endure the influences of the hostile environments encountered beyond the earth. The extent and limits of human frailty or endurance have not yet been established."

Weightlessness and other special effects of the space environment may be extremely deleterious and even fatal to man after extended space flight. The Biosatellite III mission (which resulted in the death of a monkey after 8½ days of a scheduled 30-day flight), the medical reports on the cosmonauts aboard the Soyuz flights, and the problems experienced by our own astronauts have reinforced the view in the scientific community that many unanswered questions remain about the biomedical effects of long duration space flight.

NASA's Skylab project is designed to determine the feasibility of manned operations in a space environment over long periods of time. The first of these Skylab missions is scheduled for 1973; and until the results of these missions are evaluated, we will not know whether man will be able to use the space station. Even if it is demonstrated that man can survive in such an environment, the station will undoubtedly have to be tailored to solve various biomedical problems.

It is therefore senseless to begin funding for a giant space station before we have even flown the small one which is supposed to test the concept of space station flight. As Air Force Secretary Seamans told the Committee last year,

"...we should wait until we have had further experience with the Skylab program and the shuttle before we embark on a space station mission. Knowledge derived from Skylab will give us a greater understanding of the role that man can perform in space and only after a thorough investigation and analysis of the shuttle, can we predict with reasonable accuracy our ability to resupply such a station economically and to ferry astronauts, scientists, and engineers back and forth from the space platform."

Thus, NASA's claim that the shuttle can be justified independently of the station presents it with a very basic dilemma: with the station, it has a $15–20 billion development program over the next decade which even NASA knows Congress and the American taxpayer will not support and it has a program which depends on unanswered questions about the *feasibility* and *value* of long duration manned space flight; "decoupled" from the station, the shuttle is left without a primary purpose and without the activity needed to enable it to *begin* to make sense from a cost point of view.

It is evident that NASA has resolved this dilemma by deciding to proceed as soon as possible (perhaps after clearing this year's hurdle on the shuttle) with rapid development of the station. As Dr. Low of NASA told the Committee last year, expedited development of the station is very much a part of NASA's plans:

"I think it is a question of timing," he stated, "as to when we should move out with the space station. *I am not sure we need to wait until the shuttle and the Skylab are fully developed.* It may well be that as our space program moves out into the 1970's that we would decide sooner rather than later to start the full development of the space station as well."

NASA's strategy boils down to this: once the shuttle is no longer endangered by Congressional opposition, the other multi-billion dollar shoe—called the space station—will drop. We will be told that the station's development logically follows from development of the shuttle. And we will be back to where we were when NASA first presented the shuttle and station as a joint project in 1970.

As one commentator perceptively noted,

"The shuttle is a bundle of oddities such as even the space age has not seen before. It is really only half of a bigger project sonorously labeled the 'Space Transportation System.' The other half is a large manned orbital station and is what the shuttle originally was meant to shuttle to and from. Only it's becoming apparent that there isn't enough money to build the two halves concurrently. So the shuttle will be built first. And when it is built, probably it will have no place to go (fifty times a year) until the space station comes along five or six years later."

Underlying NASA's shifting positions on the shuttle and its obfuscation of the role of the station is one central fact: NASA has persistently refused to confront the basic policy questions of what we expect to achieve in space, for what purpose, and at what cost.

To the extent that NASA has considered future policy, it is apparent that they are determined to keep intact their large bureaucracy built around the manned space program. Thus, the NASA Administrator has stated that a primary reason for developing the shuttle is that it "is the only meaningful new manned space program which can be accomplished on a modest budget."

NASA's belief that the shuttle is essential to *its* bureaucratic future—particularly to its future in *manned* space flight—is certainly *not* a sufficient reason for funding this multi-billion dollar project. Before this large-scale undertaking (or any other public expenditure) can be justified to the American taxpayer, the Congress must be convinced it is designed to meet real and pressing public needs.

I do not believe this burden can be met *unless* there is a clear and precise definition of a future space program in terms of launch vehicles, payloads and missions. As NASA concedes, no such program has even been presented to the Congress—let alone approved by it.

Ironically enough, NASA's own contractor—Mathematica, Inc.—aptly summarized the criteria by which the shuttle should be judged. As they emphasized in their Report of January 31, 1972,

" . . . *any investment can only be justified by its goals.* This applies to business as well as to government, hence also to NASA. *A new, reusable Space Transportation System should only be introduced if it can be shown, conclusively, what it is to be used for and that the intended uses are meaningful to those who have to appropriate the funds, and to those from whom the funds are raised,* as well as to the various government agencies that undertake space activities." (emphasis added)

The demonstrated failure of the shuttle proposal to meet these criteria makes it clear that the Congress cannot at this point sanction this multi-billion dollar expenditure.

I therefore urge this Committee to delete all funds requested by NASA for development of the Space Shuttle.

Thank you for your consideration of this presentation.

Sincerely,

WALTER F. MONDALE.

ALEXANDRIA, VA., *April 24, 1972.*

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I am writing to you with regard to my concern that the U.S. Senate will soon be considering authorization of funds for a Space Shuttle Transportation System without adequate airing of the technical and financial aspects of this venture.

Shuttle advocates have pressed their claims for building the new Shuttle on the grounds that it is a $5.5 billion venture guaranteeing great economies for the United States. In reality, it is a technological component of a space program which by NASA's own admission will amount to a minimum of $35 billion.

I submit that the U.S. Senate should be debating the $35 billion program (a minimum, I believe, because my own estimates place the true costs closer to $50 billion) not a piece of hardware for the program.

In announcing the shuttle development on January 5th of this year, the White House decried the high costs of space transportation—of lifting a pound of payload from earth to orbit—and argued that the shuttle would drastically reduce these costs. A NASA statement on the same day specified a cost of $600–$700 for hoisting a pound of payload into orbit as the best achievable today. A figure of $100 per pound for the Space Shuttle has been widely advertised by NASA and was used extensively in the House of Representatives on April 20th when the NASA authorization was passed for the shuttle.

Now I submit that the U.S. taxpayer is entitled to know what the facts are about the Space Shuttle's claimed economy. It was for this reason that I spent considerable time analyzing the pertinent NASA data on the Shuttle. As you know, I testified before the Senate Committee on Aeronautical and Space Sciences on April 12th. Senator Clinton P. Anderson, chairman of the Committee, very kindly agreed to my testifying and was most courteous in presiding at the session when I appeared before the Committee. Confronted with what must have seemed most contradictory statements about the Shuttle's economics, he very properly sought NASA's comments on my testimony. These were reproduced on pages 13789 and 13790 of the *Congressional Record* for April 20th.

NASA's "rebuttal" to my testimony is a completely inadequate response to the points which I raised regarding the Space Shuttle. I have herewith addressed a commentary on the "rebuttal" to Senator Anderson and I hope that NASA can be prodded into releasing the pertinent data on the Space Shuttle.

I would emphasize the fact that the American people are being asked to buy a Space Shuttle program, advertised as having a price tag of $5 billion, whereas it is in fact merely a down payment on a program with almost ten times the cost. It seems to me that the U.S. Senate should not rush into a hasty decision on a program which may cost twice as much as Project Apollo to land men on the moon, especially when the Space Shuttle program has lurched about on a swiftly-changing technological basis. Last year NASA promoted a $12.9 billion *fully reusable* Space Shuttle. This year it is promoting a $5.5 billion *partially* reusable Shuttle. It has signally failed to bring forth the pertinent cost data on this new booster which will utilize two 156 inch SRM (solid rocket motors). These will be jettisoned over the ocean, moderated in descent by parachutes and then ocean-recovered to be refurbished for future use.

The SRM cases to be recovered are very fragile structures which are subject to zero reuse in the event of improper impact on the ocean surface. I would very much like to see NASA's analysis of this particular problem, both from a technical and cost-analysis viewpoint. Would it be possible for you to acquire this information from NASA?

You will note that NASA has failed to tell the American taxpayers just what kind of space program it plans for the future in terms of launch vehicles, payloads, missions, cost-per-payload and cost-per-mission. Actually, my argument with NASA over the economics of the Space Shuttle could be resolved very easily. Simply, have NASA give the Senate an orderly mission-by-mission, payload-by-payload, launch vehicle-by-launch vehicle itemization of its program. First, by providing pertinent cost data for conventional vehicles (which we now have or have in production) and then for the Shuttle with full display of all the cost data and the range of uncertainty needed to embrace the technological problems of the Shuttle. Then it should be possible to reach a sensible agreement on our difference. We do not need a four volume analysis of sophisticated mathematical economics and theory. We need some down-to-earth data on specific programs and launch vehicles and what NASA intends to do with them.

Sincerely,

R. E. LAPP.

THE SPACE SHUTTLE SYSTEM

(Statement of Ralph E. Lapp)

I appreciate this opportunity to testify in opposition to the proposed Space Transportation System known as the Space Shuttle. While the views I express are my own, I have consulted with a number of space scientists in preparing my testimony. A number of scientists are manifesting a growing interest in "adversary science and technology"—this being a movement which, in my opinion, is an attempt to exercise a set of checks and balances on the unprecedented activities of research and development. The Space Shuttle is an example of a complex and highly costly technology which is difficult for the layman to comprehend. A number of adversary scientists are attempting to interpret such technological issues free from the bias of the promoter's eye.

1. President Nixon made a statement on the Space Shuttle on Jan. 5, 1972 in which he stressed the economies of the Shuttle in these words:

"The new system will differ radically from all existing booster systems, in that most of the new system will be recovered and used again and again—up to 100 times. The resulting economies may bring operating costs down as low as one-tenth of those of present launch vehicles."

2. The layman would be justified in welcoming such a ten-fold reduction in space economy IF it is achievable and IF transportation costs are indeed the prime determinant of space costs. I believe that the data I shall present demonstrate that:

(A) Space Shuttle transportation costs cannot achieve their advertised rates, and

(B) Transportation is not the cost-driver of the unmanned space program.

3. To make specific the projection of Shuttle transportation costs, I quote from Dr. Fletcher's Jan. 5, 1972 White House statement: "It is estimated that the reusable space shuttle will reduce the cost per pound of putting a payload into space from between $600 and $700 to $100." NASA Associate Administrator Dale D. Myers testified last year that the cost might be reduced to "as low as $75 per pound of payload." Aerospace industry officials (House hearings, Science and Astronautics Committee, FY 72 Pt. II, page 482) have projected costs as low as $50 per pound.

4. NASA's case for the economy of the Space Shuttle is tied to the report "Economic Analysis of the Space Shuttle System" by Mathematica, Inc., a NASA contractor. The Committee has asked me to be prepared to comment on the 1972 Mathematica, Inc. report and on March 13th forwarded the 4 volume report to me. I am happy to respond to this request.

5. Mathematica, Inc. (Executive Summary dated Jan. 31, 1972, page 0–8) estimates the Launch Vehicle (LV) costs for 514 Shuttle flights as $12.0 billion. Dr. Fletcher in his February testimony updated this figure to $13.1 billion. This amounts to *$25.5 million per Shuttle flight.*

6. Mathematica, Inc. (Vol. II, page 6–42) states: "As it turns out, the actual loading of the Space Shuttle Systems in terms of *satellite payload weight* comes to about 5,000 pounds on the average (*not* the 40,000 pounds theoretically available)." Thus a total of 514 Shuttle flights equals a total of *2.6 million pounds of orbital payload.*

7. If we divide $25.5 million by 5,000 pounds, we get a unit price of *$5,100* per pound place in orbit. This, I maintain, is the true price since it is based on full accounting of all new appropriated dollars for the space program transportation system. However, proponents of the Shuttle may argue that they refer their unit prices *only* to operating costs without figuring in research, development, test and engineering and shuttle investment. Well, that isn't the way General Motors figures it when I buy a car, but even if we look at operating costs the unit price is nowhere near President Nixon's goal.

8. Although operating costs for the latest configuration of the Space Shuttle are undergoing almost monthly revision, the latest figure I find is that of $10.5 million per Shuttle flight. This figure is, in my opinion, a highly optimistic one since it assumes that the solid rocket motor (SRM) cases will be used as many as 20 times. Inferior multiple use of the booster could double the unit operating cost. However, accepting the $10.5 million statistic and dividing by 5,000 pounds yields *$2,250 per pound placed in orbit.* Thus even on this lowest Shuttle cost basis, the unit cost is triple that specified by Dr. Fletcher for conventional expendable rockets.

9. It appears to me that someone has sadly misformed the White House on the costs of the Shuttle and, as a result, the American taxpayers have been misled into thinking they are getting some kind of a space bargain. Quite the contrary, the *Space Shuttle will,* according to NASA's own numbers, *be more expensive* than a *variety of launch vehicles which NASA now uses.* I refer to data given on page 389 of this Committee's FY72 Authorization Hearing, Part I. I believe that ad-

versary science serves the citizen-taxpayer well when it forces NASA to face facts which compel a realistic assessment of the Shuttle.

10. Since Mathematica, Inc. (1972 Executive Summary, pg 0–1) makes as its *primary conclusion:* (Emphasis, Mathematica's)

"The development of a space shuttle system is economically feasible assuming a level of space activity equal to the average of the United States *Unmanned* program of the last eight years.

I believe it is pertinent to tabulate the *actual* NASA launch vehicle procurement costs for the FY 1964–1971 period, for unmanned missions:

[Dollar amounts in millions]

Fiscal year	LV procurement costs	Percent of NASA budget
1964	$129.8	3.0
1965	154.4	3.0
1966	177.6	3.0
1967	117.6	2.2
1968	124.5	2.6
1969	96.9	2.4
1970	107.8	3.0
1971	124.9	3.7
1964–71 total	1,033.5	22.9

Total LV development costs are $631 million.

I think it is very clear that in the past 8 year period launch vehicle costs for NASA have been a very small part of its budget. Yet a layman reading the Mathematica, Inc. primary conclusion cited above would be led to conclude that the Space Shuttle would be economic for unmanned NASA flights. He would, perhaps, be unaware that Mathematica, Inc. was using as its actual baseline Department of Defense (DOD) and NASA unmanned flights. This confusion of military and civil space programs persists throughout the Mathematica, Inc. report and makes difficult a realistic appraisal of the Space Shuttle in terms of the NASA program. There is also confusion injected because of a blending in of unmanned and manned space programs and an abundance of assumptions which are not made clear in the Mathematica, Inc. analysis.

11. In the 1964–71 period U.S. Navy and Air Force space missions dominated the U.S. space activity. To the best of my knowledge there were 369 space missions conducted by DOD. Payloads tended to be heavier than NASA's with emerging dependence upon Titan III–C space vehicles, whereas the NASA total of some 150 space launches employed smaller LVs such as Scout and Delta. Defense space spending amounted to about $14 billion over the past 8 year period. Therefore any comparison by Mathematica, Inc. of this period for Shuttle versus Current Expendable LVs is necessarily heavily weighted in the direction of defense missions. If the Space Shuttle is intended to be a military vehicle, then I submit it ought to be justified and funded by the Department of Defense.

12. It is pertinent to note that during recent years NASA payloads have averaged just slightly under 1,000 pounds. Mathematica, Inc. has projected an average of 5,000 pounds per Shuttle mission. This means two things: first, averaging in defense payloads which have been heavier than NASA's and second, programing larger and heavier payloads for NASA missions. Thus, the Mathematica, Inc. projections call for increased space activity, as measured by payloads, but the rationale for the Space Shuttle seems to be that it is a cheaper means of space transportation. This requires that we focus attention on the real cost-driver of the space program—the cost of the payloads.

13. In order to pinpoint this discussion—and to comply with the Committee's request that I make my testimony responsive to the Mathematica, Inc. 1972 report, I am reproducing from page 0–8 of the Executive Summary Table 0.1 SPACE TRANSPORTATION SYSTEMS COST SUMMARY (1) Source: Adapted from Aerospace Corporation and Contractor Data. Modified NASA and DOD Baseline, 514 Space Shuttle Flights (1979–1990).

TABLE 0.1

[In millions of dollars]

	Current expendable	New expendable	Space shuttle and tug
Expected launch vehicle costs:			
Nonrecurring costs (fiscal years 1972–87)	1,620	2,000	7,450
Recurring costs (fiscal years 1977–90)	10,600	8,760	4,800
Total launch costs	12,000	11,000	12,000
Expected payload costs (satellites):			
Research, development, test and engineering (fiscal years 1975–90)	11,000	10,600	9,880
Recurring costs (fiscal years 1976–90)	18,800	18,400	12,700
Total payload costs	30,000	29,000	23,000
Expected total space program costs	42,000	40,000	35,000

14. A quick glance at the assembled statistics might lead one to the conclusion that the Space Shuttle promises $7 billion in savings. That is the difference between program costs for current expendable launch vehicles and the shuttle costs. This is the basis on which the program is being sold. But Mathematica, Inc. projections should be carefully examined item by item to determine what assumptions they may involve. First of all, I maintain that the United States has not approved $42 billion space program in the current expendable category. Therefore, I would question the basic premise of Mathematica, Inc. in its cost projections. In order to determine just what the United States would get for such a $42 billion expenditure, I would recommend that Mathematica, Inc., or, preferably, NASA, should make a program presentation to substantiate this $42 billion figure.

15. I would like to emphasize that any comparison of Space Shuttle and current expendable space vehicles must take into account the fact that in the development of any new technology contractor estimates of systems costs are hardly reliable. RAND studies (Alvin J. Harman "A Methodology for Cost Comparison and Prediction." Aug. 1970 RM–6269–ARPA and Robert Summers "Contractor Estimate and Prediction of Actual Weapons Costs" March 1965 RM–3061–PR.) show that contractor estimates are invariably low and that actual costs exceed the estimates by 80 percent.

16. Additionally, I would stress that the Space Shuttle involves a number of significant technological risks. The degree of these risks was undoubtedly a prime factor in NASA's backing away from a fully reusable manned booster. But the unmanned booster still involves risks in that ocean recovery of a huge 156 inch SRM case is a great extrapolation of recovery technology. The way to overcome technological risk is well known and involves parallel paths of development and improvision—both of which add cost. It would be highly useful if NASA would perform sensitivity analyses on its areas of high risk and determine the costs which may be involved in these technological sectors.

17. Focusing attention on Col. 1 of Table 0.1, I do not see why *any* funds are included for non-recurring costs of current expendable vehicles. These vehicles are already developed and their costs have been paid. The $1.62 billion listed actually involves $267 million for RDT&E and investment of Titan IIIB/D/M and $550 million plus $800 million for Big Gemini. This is scarcely fair to include these costs under the "current expendable" category. Therefore, I would strike this $1.62 billion from the column.

18. As for recurring costs of current expendable launchers, I note first that this $10.6 billion figure includes $2.15 billion for Big G. There is also $0.25 billion for Intermediate 21 and since Mathematica, Inc. states (Vol. II, p. 5–16) that: "Based on the very limited flexibility and applicability of this vehicle it is quite unlikely that it will be used in the 1980s." I would strike this from the column. Since Big G *and* the Shuttle are redundant I would suggest subtracting the $2.35 billion total from the $10.6 billion leaving a residual *$8.25 billion* which then becomes the *total* launch costs rather than the $12.0 billion figure. This is a "saving" of $3.75 billion and involves no diminution of the unmanned NASA or DOD program.

19. Looking now at the expected payload costs under Column 1 of Table 0.1, I suggest that the proper way to proceed to analyze this expenditure of $30 billion is to set down the complete list of missions and their individual costs so that a rational decision may be made on the program. I note that Mathematica, Inc. (Vol. II Table 6.21 p. 6–46) tabulates the OSSA payloads by cost (but not by mission) as follows:

Payload cost range (millions)	Number of payloads	Percent of total
$0 to $20	17	4
$20 to $40	242	61
$40 to $60	46	12
$60 to $80	17	4
$80 to $100	1	<1
$100 to $120	22	6
$120 to $140	22	6
$140 to $160	11	3
Over $160	20	5
Total	398	100

My estimate is that these nearly 400 payloads represent a $20 billion cost. I estimate that $10 billion represents 75 payloads each more than $100 million in cost. I believe that there ought to be a very critical examination of each class of mission from the standpoint of science and national priorities. I believe that the large public expenditures involved make it mandatory that mission models such as Mathematica, Inc. has used be more than NASA or NASA contractor inputs. There can be no doubt that the mission model used in Table 0.1 represents a sharp step-up in NASA space activity and that such a program change should be subjected to public examination on a programmatic basis. Furthermore, the mission model should be specifically a NASA model and not a mixed NASA–DOD model.

I note that the 398 payloads dispersed over a 15 year time span represent a biweekly launch rate for OSSA missions—more than double the present rate and that for recent years. I submit that such an increase in the tempo of the civilian space program has not been justified as a legitimate public expenditure. Therefore, I feel that the $30 billion total in this column is unrealistic and, although lacking a specific itemization of missions, I would suggest a more realistic figure would be $20 billion. Such an adjustment automatically feeds back to launch vehicle procurement and would reduce my suggested $8.25 billion figure to about $5 billion.

20. Using the new numbers for column 1, I arrive at a bottom line total of $25 billion rather than the $42 billion stipulated by Mathematica, Inc. I further believe that if the scientific and technical community was given this figure as a ceiling, it would be possible to define an aggressive and rewarding space program for the 1975–1990 period.

21. Skipping Column 2 for the moment, I would like to comment on the launch vehicle and payload costs for the Space Shuttle. First, I would note that new numbers need to be inserted for LV costs. The non-recurring costs of $7.45 billion are now estimated to be $8.1 billion. Using the 1.8 factor of contractor estimate understatement (No. 15) has 8.1 billion figure could *escalate to $14.5 billion.* It is not necessary to provide a parallel escalation for conventional launch vehicles since their research, development, test and engineering costs have been paid.

22. The recurring costs for the Space Shuttle estimated at $4.8 billion by Mathematica, Inc. as of Jan. 31, 1972 need to be revised in the light of the hardware decisions made in March. Clearly, recurring costs will depend on the orbiter functioning properly for 100 or more times and refurbishment costs being held in line. More critical to the recurring cost total for the Shuttle is the uncertain reusability of the booster. It is highly likely that the $4.8 billion figure cited by Mathematica, Inc., will escalate considerably. Total launch costs for the Space Shuttle certainly exceed $13 billion and for the 514 flights specified in Table 0.1 it is quite possible that a *$20 billion total* might result.

23. In any event any comparison of the launch vehicle costs for current expendable LVs, which we have, and the space shuttle, which we do not have, must lead to a favorable cost margin for existing launch systems. No matter how one tries, the Space Shuttle cannot claim an economic advantage based on launch costs. I agree with Mathematica, Inc., in its conclusion (Vol. II, page 6–43): "What matters are the actual space missions performed in the 1980s and used in the economic analysis when comparing Space Shuttle Systems to expendable modes of operations. What matters most, in the economic analysis, is the cost of payloads and of space missions in the 1979–1990 period." Let us therefore look at the cost of the Shuttle payloads.

24. Table 0.1 lists $9.9 billion as R, D, T & E costs of Shuttle payloads or $1.1 billion less than for conventional launch vehicle payloads. It is however in the area of recurring costs that Mathematica, Inc. claims a Shuttle advantage. The 12.7 billion figure is $6.1 billion less than for conventional LV payloads. Economies claimed for the Shuttle derive from the potential of making larger and heavier satellites which can be cheaper per pound of instrumentation. No doubt the ability to add weight to a satellite may permit less costly microminiaturization of instrumentation but this is a trade-off situation. Furthermore in making comparative costs of placing a pound of payload in orbit the Shuttle payload cannot then be compared on a 1 for 1 basis since the conventional less weighty payload is then equivalent to x pounds of Shuttle payload. This means that the $5,100 unit price per pound of payload listed in Sec. 7 needs adjustment upwards. This means that instead of the Shuttle providing transportation for one-tenth the unit price of conventional launch vehicles, it is *actually ten times more expensive.* It is difficult to state how much the higher payload capacity of the Shuttle allows reduction in payload costs on a pound basis, but the trend is contrary to the thrust of technology which aims at more compact, solid-state, instrumentation of high reliability.

25. Apart from the economy of permitting bulkier instrumentation, the Space Shuttle is claimed to be economical in increasing the reliability of satellities placed in orbit by allowing man to be on board and make a final check-out of the orbital device prior to dispatch into orbit. Since many orbital devices have achieved a 95% reliability in operation, this feature of the Space Shuttle does not appear to be highly significant. Furthermore, the increasing complexity of orbital devices calls for a much greater payload of check-out devices and personnel competence at the check-out point. If the orbital device is checked out prior to launch it does not appear overly advantageous to provide a final checkout prior to orbital insertion.

26. Proponents of the Space Shuttle place greater emphasis on the capability of retrieving orbital devices, servicing them in orbit, and in bringing them back to earth for refurbishment and redeployment in orbit. Here one is faced with a trade-off situation in which the unit cost of the orbital device vs the cost of retrieval, refurbishment and redeployment is of critical importance. As mentioned earlier, there is also the relative impact of obsolescence of the orbital device. What is also involved here is the relative advantage of a single massive orbital device vs a number of smaller, lower-price, units. In the communications satellite field, there appears to be a trend toward smaller devices which grant greater flexibility and back-up to the deployed system. Rather than replace a malfunctioning communications satellite with the same device, retrieved and refurbished, it might be more economic to launch a new, higher-capacity, satellite. I believe that it would be very useful to solicit the views of Comsat Corporation on this matter.

Mathematica, Inc. bases its estimates of retrieval/refurbishment economies on Lockheed Missiles and Space Company (LMSC) studies. LMSC studied (NASW–2156 Contract, LMSC–A990594, June 30, 1971 "Payload Effects Analysis") three devices—OAO (Orbiting Astronomical Observatory), SEO (Synchronous Equatorial Orbiter) and SRS (Small Research Satellite). It concluded that the savings would be significant., i.e. refurbishment cost ratios of 0.32 to 0.39 for Shuttle vs conventionally launched satellites. However, there appears to be considerable uncertainty in these estimates. Since LMSC is an aerospace company which would benefit from Shuttle contracts, it is questionable whether Mathematica, Inc. is justified in accepting the LMSC data without considerable adjustment for bias. Conventionally launched satellites are not credited with much of an increase in future reliability and little attention is paid to the contest between refurbishment and technological obsolescence. It would have been highly instructive for LMSC to have performed an analysis of Comsat type satellites and to have carried out sensitivity analyses on a variety of satellites (retrieval/refurbishment as a function of age of the satellite).

The basic problem posed by the retrieval/refurbishment issue is whether or not the traffic in satellite retrieval and refurbishment justifies the development and deployment of a new space system as costly as the Shuttle. Since Mathematica, Inc. has singled out the recurring costs of Shuttle payloads as the sector of maximum "savings" i.e. "$6.1 billion" in comparing Columns 1 and 2, I suggest that a more careful study be made of this sector. I believe that it should be required that Mathematica, Inc. make a very detailed accounting of how this $6.1 billion payload "savings" is to be achieved. By this I mean specification of *all* missions as tabulated in Table 6.20 on page 6–44 of Vol. 11. It will be noted that in this tabulation, Mathematica, Inc. postulates:

	New satellites deployed	Refurbished satellites deployed	On orbit maintenance/refurbishment	Flights to space station
Total NASA	242	274	62	62
Total DOD	103	302	Some	(1)
Total	345	576	62+	62+

1 Not available

Obviously, Mathematica, Inc., foresees a flourishing business in refurbishment of sick or aging satellites. I suggest that the uncertainties of Shuttle costs, technological issues, mission models and booster reuse do not now permit a 1978–1990 projection such as Mathematica, Inc. has made—or, to put it another way, do not permit public confidence in the projection.

27. I call to you attention the fact that Mathematica, Inc. has listed a minimum of 62 flights to Space Station. I also note that the most recent NASA estimate of the cost of such Space Station development/deployment is $6 billion and that much higher figures have been suggested. If Mathematica, Inc. is going to include earth-to-Space Station flights in its mission model then it should provide for this expenditure under Shuttle payload costs. This inclusion of the Space Station in its mission model makes it clear that buying the Space Shuttle means we are also buying the Space Station.

28. I believe that the foregoing commentary makes it clear that the total payload costs associated with the Shuttle system will not be $23 billion, but will be considerably higher and would probably approach the $30 billion figure cited for the conventional payload. I have suggested in Sec. 19 that the latter could be $20 billion.

29. If we now consider the "bottom line" totals for conventional and Shuttle program costs, the $42 billion figure (Col. 1) for conventional launch vehicles shrinks to $25 billion (Sec. 20) while the $35 billion Shuttle total may in fact soar to over $44 billion. In other words, *instead of "saving" $7 billion the Shuttle could actually "cost" us $19 billion more for the U.S. space program.*

30. It seems to me that we can put space spending in better perspective if we translate the billion dollars total into specific costs per pound. This was done by President Nixon in his Jan. 5th message for costs of transportation. I suggest we do the same thing for costs per pound of satellite payload. For example, if we accept the $23 billion total for Shuttle payload costs given by Mathematica, Inc. (which includes a large credit for satellite reuse) and use the 2.6 million pound orbital payload (Sec. 6) postulated by Mathematica, Inc. we arrive at an *average cost of $8,800 per pound of payload.*

Expressed in other units, *Shuttle payloads will average $550 per ounce.* Thus *Shuttle payloads will average ten times more expensive than their weight in solid gold.*

31. In proceeding to discuss Shuttle costs we jumped from Col. 1 to 3 without consideration of Col. 2, the "New Expendable" category. Referring back to Table 0.1 (Sec. 13) Mathematica, Inc. figures for this category is $1 billion less for total launch costs than for either the conventional or Shuttle launch vehicles. Payload costs are $1 billion less than for conventional LVs and $6 billion more than for Shuttle payloads. It seems to me that Mathematica, Inc. and NASA have skipped over a very important potential cost-saver in space activity. In as much as NASA has opted to recover the massive twin rocket motor cases for the Shuttle booster, it would seem to me completely logical that NASA apply the same degree of optimism to recoverability and refurbishment of Titan-class launch vehicles.

Thus I would recommend that NASA examine the possibility of new launch vehicles of the non-shuttle class. In this examination, I would recommend that an attempt be made to standardize on a launch vehicle so that unit costs can be reduced.

32. In summary, I conclude that the NASA and NASA-contractor basis for the Space Shuttle is inadequate and that the entire issue of launch vehicle choices for the future space program should be restudied. I believe that I have shown remarkable deviations in the cost estimates of NASA and NASA contractors for comparative launch systems.

I appreciate this opportunity to have presented an adversary view of the Space Shuttle System.

THE CVAN–70

Mr. MONDALE. Mr. President, a major issue raised by the military procurement authorization bill, now being considered by the Senate Committee on Armed Services, is the Navy's request for funding a fourth nuclear carrier, the CVAN–70. After a careful review of the most recent congressional testimony on this issue, I am convinced that the Navy has failed to make the necessary case for funding this carrier. The Navy itself estimates that the total investment cost of the CVAN–70 will be approximately $1 billion—which makes this carrier the most expensive ship in history.

On April 11, 1972, I wrote both the chairmen of the Senate Armed Services Committee and the chairman of the Senate Appropriations Committee explaining in some detail my reasons for opposing the funding of the CVAN–70.

Since that time, several letters raising other questions about the funding of this ship have appeared in the Washington Post. The first of these letters, dated April 18, 1972, is from Rear Adm. Gene LaRocque, who recently retired from the Navy; the second letter, dated April 29, 1972, is from Stuart B. Barber, former Assistant Director of the Navy's long-range objectives group.

I ask unanimous consent that these two letters to the Washington Post, as well as a copy of my letter to the chairman of the Senate Committee on Armed Services, be printed in the RECORD.

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

[From the Washington Post, Apr. 18, 1972]

LETTERS TO THE EDITOR: CONGRESS AND THE AIR WAR

The presence of a large number of U.S. aircraft carriers currently stationed off Vietnam has encouraged press speculation that the Congress will be stampeded into approving funds for the new aircraft carrier CVN–70. Before Congress commits itself to this billion-dollar carrier, it would be well to ascertain what has been accomplished in the past eight years through bombing in Southeast Asia. What has been the net military effect? At what cost in men, money and aircraft? Has it strengthened or weakened the will of the North Vietnamese? Have eight years of bombing increased our national security? Will more bombing do the same?

A complete analysis of the entire air war in Southeast Asia is long overdue. It should be conducted and made available to the Congress before it takes final action on the new attack carrier requested by the Department of Defense.

GENE LA ROCQUE,
Rear Admiral, USN. (Ret.).

WASHINGTON.

BILLION DOLLAR CARRIER

Your correspondent Rear Admiral LaRoque is entirely correct in suggesting that the value of our bombing in Southeast Asia should be carefully scrutinized by Congress before it approves the proposed fourth nuclear-powered aircraft carrier, budgeted at $951 million. But in fact he fails to state the full case against this ship.

As one who for 30 years has strongly supported naval carrier forces, I consider the Navy's request for this carrier an unconscionable, parochial imposition on the nation, in defiance of national priorities, interests and needs.

In the first place, it is absurd to suggest that a single ship, without its aircraft and escorts, is worth nearly a billion dollars. Only a mind wholly out of touch with the realities of today could believe that it is.

More damning is the fact that the Navy's own studies—as Secretary Laird well knows—indicate that the Navy has grave deficiencies in anti-submarine warfare. The billion dollars could buy a lot of other things far more valuable against submarines—and available sooner—than this CVAN.

There will be much Navy palaver about flying anti-submarine planes from this CVAN. Sure, and you could drop depth bombs from the fantail of a battleship, but that wouldn't justify buying battleships for anti-submarine warfare. For a billion dollars you could build three genuine anti-submarine aircraft carriers. No, the only honest justification for this CVAN is carrying air war against land areas.

What is most disturbing is the disregard, by the Navy and Mr. Laird, of factors one would think basic. For one thing, there has developed a vast national opposition to banging the boondocks of Asia. There is also the problem of the defense budget. These two factors call for a fresh look at our priorities. I believe it generally accepted that our first non-nuclear priority—well ahead of Asia—is NATO. Our anti-submarine deficiencies go to the very heart of the NATO defense. It is news to many people that NATO needs more U.S. attack carriers than the 11 modern ones already funded, when U.S. and other NATO naval forces combined couldn't get our military shipping safely across the Atlantic (let alone bring in essential oil) against submarine opposition.

It would be very healthy if the Congress would stop this mindless perpetuation of our no longer tenable addiction to imposing our will on Asians, and re-focus Pentagon attention on our high priority problems and of sea control.

STUART B. BARBER,
Former assistant director of the Navy's long range objectives group.

ARLINGTON.

APRIL 11, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As the Committee begins its deliberations on the Military Procurement Authorization Bill, I wanted to repeat my opposition to funding for a fourth nuclear attack carrier, the CVAN–70. A careful review of the most recent testimony has shown again, I believe, that the Navy has failed to make the necessary case for spending $299 million for CVAN–70's long lead-time items, or in the larger sense, for spending approximately one billion dollars overall for this most expensive ship in history.

The basic issue now, as in the past, is how many carriers we need for national defense. The Navy has tried to justify the CVAN–70 on general grounds of fleet obsolescence.

However, even if we accept the Navy's own "rule of thumb" that a carrier is obsolete after 30 years (a very questionable assumption, as I stated in testimony April 8, 1970 before the Joint Senate-House Armed Services Subcommittee on the CVAN–70), the fleet will still consist of the following eleven fully modern attack carriers until the mid-1980's:

Eight large-deck *Forrestal* class carriers, the oldest of which was commissioned in 1955;

One *Enterprise* nuclear attack carrier, commissioned in 1961;

Within the next three years, *two* more nuclear carriers will have joined the fleet.

The oldest of these eleven carriers will not reach the 30-year limit until 1985.

Thus, the burden of proof for this billion-dollar investment in the CVAN–70 is to show why *more than* eleven fully modern carriers are essential to national security. Yet nowhere has the Navy made that case.

Moreover, since a primary mission of carriers is providing tactical air power, there are several important factors—bearing upon the relative merits of carriers vis-a-vis land bases for tactical aircraft—which indicate that a 12th modern carrier is *not* essential—and that 11 carriers or *even less* are adequate to meet our present and future national security needs.

First, there is substantial evidence that carriers are a far more expensive means of delivering tactical air power than land bases.

According to the Navy's own estimates, the CVAN–70 will cost $951 million. But since the Navy only operates the carrier with a task force, consisting of various escort and logistical ships, and since every carrier is equipped with an air wing, these procurement costs must also be considered.

Several years ago, the Navy estimated the four destroyer escorts for a carrier and a carrier's air wing would cost approximately $1.3 billion—bringing the total procurement cost for a typical carrier task force (which does not include operating costs, basing costs, and other logistical ships) to almost $2.3 billion. Needless to say, these costs will often run a great deal higher.

But even this is not a complete picture. For the Navy normally deploys two task forces "on station" in the Mediterranean and three in the Western Pacific on a continual basis.. For every carrier task force "on station", two must be held in reserve as back-ups, since the normal rotation time of a carrier is 4 months. The investment cost of maintaining one nuclear task force on continued deployment, therefore, amounts to a multiple of 3 times the cost of one task force—or $6.9 billion.

A land base is a far cheaper operation. According to the Air Force, a base in the Pacific can be built for under $75 million; the Bare Base Support Program can convert an existing civilian runway for about $50 million.

It is not surprising, therefore, that studies by the Office of the Assistant Secretary of Defense for Systems Analysis have concluded that a sea-based wing is 40% *more expensive* than a land-based wing. I believe all these cost factors argue compellingly against procuring an additional nuclear carrier at this time.

In addition to the comparative cost of land and sea-based air power, there is also the issue of the relative vulnerability of these two means of delivering tactical air power. Again, the evidence indicates that the carrier suffers a major disadvantage in its vulnerability to attack by modern missiles and submarines.

While modern technology has augmented the defense of land bases—including new methods for protection, maintenance, and rapid repair—the latest weapons and reconnaissance developments have made carriers easier to find and to damage to the point of making them inoperable. Furthermore, the necessary compensation for this increased vulnerability—the need to maneuver widely and commit the carrier's air power to defensive actions—diminishes the overall offensive capability of the carrier's tactical strike force.

Experts have concluded, therefore, that carriers would not be suitable for use in any situation where an enemy could concentrate land based aircraft, missiles, or submarines against them. Since this would minimize, if not rule out altogether, action in any conflict in which the Soviet Union Union were involved, vulnerability would dictate that the use of the carrier's force would be limited to those contingencies involving only smaller powers—another strong

reason why eleven modern carriers or less would be adequate for our national security needs over the foreseeable future.

Finally, any effort to define the proper size of our carrier fleet should take into account the existing and potential U.S. capability for providing land-based tactical air power. I believe that the present carrier fleet duplicates and overlaps this land-based capability.

Carrier task forces are assigned to the two major "trouble areas" of the world—9 are available for the Western Pacific and 6 for the Mediterranean. But our capacity to deploy land-based tactical air power is more than adequate in these areas, as well as in most other parts of the globe where peace or U.S. interests may be threatened.

The United States Air Force maintains 21 wings of tactical fighters and bombers in active forces at home and abroad.

The geographic spread of overseas bases either operated by, or available to, the United States gives us an impressive land-based tactical capability, especially in the Mediterranean and the Western Pacific. In Europe, the U.S. has bases in 8 countries, with approximately 475 tactical aircraft; at least 4 of those bases are within striking distance of the Mediterranean. In the Pacific, we have bases in 6 countries, in addition to our bases in Guam and Hawaii, with over 300 tactical aircraft.

The U.S. also has the capacity for creating new land bases as needs arise. There are at least 700 overseas civilian air fields which the Air Force, within three days time, claims it can convert to a fully equipped tactical air base using the "pre-positioned kits" of the Bare Base Support Program.

Furthermore, the range of modern tactical aircraft is between 2 and 3 times greater than that of the older jets. This increased range is expanded even further by the use of midair refueling. Consequently, our overseas land-based planes are capable of reaching many more targets than they were even 10 years ago; and U.S. based tactical aircraft can be operational anywhere in the world in a short period of time.

The Navy contends that the reduction in the number of our overseas land bases justifies the need for the CVAN–70. While these bases have decreased from 119 in 1957 to 47 at the present time, the number of tactical air wings has increased from 16 to 21 during the same period. More important, the greatly increased range of these planes—both in the U.S. and overseas—means that far fewer land bases can provide ample tactical air support in any areas of potential conflict. And the Bare Base Support Program enables the U.S. to supplement existing land bases to the extent that it is necessary to do so. Even with fewer overseas land bases, then, carriers still overlap and duplicate our land-based capability.

This point above overlap and duplication was dramatically illustrated in a September, 1969 letter and memorandum from the Department of the Air Force to Senator Hatfield. Senator Hatfield asked whether the loss of overseas land bases had jeopardized the Air Force's tactical air capability. The Air Force responded that "the capability of USAF tactical air has in no sense been diminished by land base inactivations." The memorandum to Senator Hatfield also contained an extremely significant statement about the overall capability of land-based tactical air power, which reads as follows:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

It may be argued that this statement by the Air Force should be disregarded, since it is merely a reflection of the long-standing Air Force-Navy controversy over the role of land-versus sea-based air power. But before rejecting this evaluation as "anti-Navy propaganda," I urge you to consider whether or not the Navy's insistence on funding the CVAN–70 in FY 1973 might also be classified as the effort by one service to maintain its position—with little regard for military realities.

In short, the Congress is faced with conflicting claims; on the one hand, the Air Force asserts that carriers are essentially redundant in furnishing tactical air power; on the other hand, the Navy claims we need a large carrier fleet and argues that the obsolescence of that fleet makes the CVAN–70 essential. Without thorough investigation, I do not believe we can reject as self-serving the claim of one service, while accepting the claim of another service as the complete truth.

My own view is that the truth lies somewhere between these conflicting claims. While I believe that some carriers are necessary to ensure flexibility in our overall tactical air capability, I also believe that there is no need for a fleet consisting of more than 11 large modern carriers.

In order to justify the funding now of the CVAN–70, the Navy must show that a 12th modern carrier is essential. I think it is clear that they have failed to meet this burden.

Refusing to authorize the CVAN–70 until the Navy can justify a fourth nuclear carrier will in no way jeopardize national security. Since our potential adversaries have no attack carriers and since we now have 16—with the assurance that there will be 11 fully modern carriers under the Navy's own criteria until 1985—we can afford to insist upon a clear justification for such a massively expensive project.

If it is determined that 11 or fewer modern carriers will be required through the mid-1980's, there is no reason to fund this ship now—particularly in light of the present deficit in the Federal budget and the impact on this deficit of another multi-billion dollar program.

I believe that there are far more urgent and justifiable demands on limited Federal funds, both within the defense budget and in other areas of critical national importance.

But regardless of my position, the central fact remains that the Navy has failed to make its case for the present funding of the CVAN–70.

I therefore respectfully urge the Committee to withhold authorization of all funds requested for this carrier.

Thank you for your consideration of this matter.

Sincerely,

WALTER F. MONDALE.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SPONG). The time for the transaction of routine morning business has expired.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The 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.

NATIONAL SECURITY STUDY MEMORANDUM NO. 1

Mr. ROBERT C. BYRD. Mr. President, I move, in accordance with rule XXXV of the Standing Rules of the U.S. Senate—believing that the subject matter which I wish to discuss does, at this moment, require secrecy because of the rules of the Senate—that the Senate go into closed session.

Mr. TOWER and Mr. BENTSEN. I second that motion.

The PRESIDING OFFICER. The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all the officials of the Senate not sworn to secrecy.

The question is not debatable.

[At 1:27 p.m. the doors of the Chamber were closed.]

CLOSED SESSION

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 176 Leg.]

Allen	Cranston	Schweiker
Allott	Fong	Sparkman
Anderson	Fulbright	Spong
Beall	Gravel	Stennis
Bellmon	Griffin	Taft
Bentsen	Harris	Talmadge
Bible	Hollings	Thurmond
Burdick	Jordan, Idaho	Tower
Byrd, Harry F., Jr.	Magnuson	Weicker
Byrd, Robert C.	Nelson	Williams
Chiles	Randolph	Young
Cook	Ribicoff	
	Roth	

The PRESIDING OFFICER (Mr. SPONG). 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.

Mr. HARRIS. Mr. President, I would like to be recorded as present.

Mr. STENNIS. I would also like to be recorded as present.

The PRESIDING OFFICER. The Chair is advised that all Senators who are present in the Chamber are recorded as present.

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	Ellender	Metcalf
Bayh	Ervin	Mondale
Bennett	Fannin	Montoya
Boggs	Gambrell	Pastore
Brooke	Gurney	Pell
Buckley	Hansen	Proxmire
Case	Hart	Smith
Church	Hartke	Stafford
Cooper	Hatfield	Stevens
Cotton	Hruska	Stevenson
Curtis	Javits	Symington
Dole	Kennedy	Tunney
Dominick	Long	
Eagleton	Mathias	

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr.

CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Hampshire (Mr. MCINTYRE) are absent on official business.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) 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. A quorum is present.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. Before recognizing the Senator from West Virginia, the Chair would like to read from paragraph 2 of rule XXXVI of the Standing Rules of the Senate:

When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the same officials admitted to the closed session on May 2 be admitted to the session of the Senate today.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Official Reporters of Debates be authorized to take notes, for whatever disposition thereof the Senate wishes to make later.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I do not feel that this closed session need be long, and I shall attempt to be as brief as possible. First, by way of review, for the benefit of any Senators who may not have been here on Tuesday, the situation is as follows:

Senators will recall that on Tuesday, April 25, the distinguished Senator from Alaska (Mr. GRAVEL), during the period for the transaction of routine morning business, sought to insert certain documentary material into the CONGRESSIONAL RECORD. He sought to do this by unanimous consent. The distinguished assistant Republican leader sought to inquire—I hope that my recollection is correct, and I am willing to be corrected—as to whether or not the material contained sensitive matter. If my understanding is correct, the assistant Republican leader indicated that, if so, the matter should be discussed in closed session. The Senator from Alaska did not prevail in his efforts to include the material by unanimous consent. Realizing that a motion to insert the material into the RECORD would not be in order, he desisted at that point.

I discussed the matter with him during the afternoon of that day, and he indicated that it was his intention to move for a closed session, and he inquired as to what day might be the best day with respect to the overall programing of the Senate's business. I suggested that, on Monday we expected rollcall votes, and on Wednesday there was to be a Democratic caucus, and for various other reasons, I felt that Tuesday probably would be the best day. So he moved to go into closed session on Tuesday of this week. That motion was seconded, and under Senate rule XXXV, the closed session was ordered.

There were two closed sessions on Tuesday, and during those two closed sessions, it is my distinct recollection that the distinguished Senator from Alaska (Mr. GRAVEL) did not ask that the documents be inserted in the RECORD. He did not move, because such a motion would not be in order, in any event. A motion would have been in order to have the clerk read the documents; and if that order had been made, then a motion to suspend the further reading of the documents and to have them inserted in the RECORD would have been in order. But no such motions were made in Tuesday's closed sessions.

During those sessions, there was no indication as to the content of the documents. In my personal judgment, speaking only as one Senator, I did not feel that anything that was said during either of the closed sessions on Tuesday was of a sensitive nature, or had anything to do with the national security or with troop movements or with the national defense.

The discussion, as I recall it, mainly ranged around two issues. One was classification procedures. There were suggestions as to how these classification procedures might be regularized. Suggestions were made with respect to possible legislation which would provide procedures whereby declassification of improperly classified matter would be brought about.

In the event improperly classified material came into the hands of any Senator or any committee, and if a request of the executive branch to declassify that material proved to be futile, then there would be procedures whereby the Senate could make the decision for itself.

The other issue, which seemed to consume most of the time, was simply to determine whether or not the injunction of secrecy should be lifted and the proceedings of the closed sessions printed in the RECORD.

So, in summation, I wish to say again that I feel that absolutely nothing was stated in those closed sessions that would merit the retention of the injunction of secrecy. Nothing. Everything that was said in those closed sessions could have been said in open session—although it probably would not have been said in open session, because the hour was getting late and tempers were beginning to show a little bit. Perhaps we might have not talked quite so long, had we been in open session. So, I sought to lift the injunction of secrecy, believing as I did that there was no justification for it as things turned out.

My two basic reasons for urging the Senate to lift the injunction of secrecy were as follows, and I shall not push overly hard today to do this. I shall make a unanimous-consent request a little later and possibly move to lift the injunction, if need be. I want to leave it up, of course, to the judgment of the Senate. I shall not be too long. I am not going to be overly tenacious in my efforts to get the injunction of secrecy lifted. Having stated the case, I shall leave it to Senators present to decide without further ado.

Mr. President, paragraph 4 of rule XXXVI of the Standing Rules of the Senate reads as follows:

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

Mr. President, my first reason for urging that the injunction of secrecy be lifted revolves, in the main, around the paragraph which I have just read. It was written into the rules for the express purpose of protecting Senators, protecting the national security, and allowing the public's business to be conducted in the interest of the public where necessary in a closed, secret session.

The sanctions expressed in that paragraph are very strict, in my opinion. Any Senator who goes out of a closed session, unless the injunction of secrecy is lifted, and even inadvertently states to someone—a news reporter perhaps, or anyone else—the most trivial development that occurred in that session makes himself liable to expulsion from this body.

I did not feel that Senators should carry that burden. A similar burden is placed upon officers of the Senate—and I think quite rightly so.

But Senators are elected by the people. Officers of the Senate do not have to respond to news reporters. An officer of the Senate, however, might also, inadvertently, reveal something that occurred. But more particularly, Senators who are elected by the people, and who have to face the press, carry a tremendous burden—which is easily enough carried if, indeed, the subject matter of the session was such that it involved the security of the Nation. I do not think Senators would have any problem in that kind of situation. Their duty would be clear.

But in a situation such as the one I

am discussing, if a Senator went out of the Chamber and a news reporter should say to him, "I heard two rollcall bells for two rollcall votes. What were they voting on?" The Senator might answer, "Well, one of the rollcall votes was on a motion to go out of closed session, and the other rollcall vote was on a motion to adjourn."

Perfectly harmless—absolutely innocuous; yet that Senator, by revealing what he had, would have subjected himself to possible expulsion from the Senate.

Thus, I did not feel that the injunction of secrecy should carry that kind of burden with respect to a session that, as I say, even by the greatest stretch of the imagination, contained absolutely nothing that was sensitive to our national security.

The second reason why I thought the injunction of secrecy should have been lifted was a reason which was expressed very well by the Senator from Florida (Mr. CHILES): That the public's business, in a democracy, should be conducted in the open except when there are overriding reasons such are contemplated by paragraph 4 of rule XXXVI.

I think that the closed session was asked for in good faith by the distinguished Senator from Alaska (Mr. GRAVEL), it was his full intention—I am convinced of that, and I am convinced that it was the intention of the distinguished Senator from California (Mr. CRANSTON), to move at some point during the first closed session that those documents be included in the RECORD.

In their judgment, they felt that the matter was improperly classified and, in their judgment, they felt that the Senate, if it was to assume its proper role in this Government of separate but equal branches, could not do so unless the people are always fully apprised of information such as that which these two Senators had in their hands.

So, in good faith, they intended to have a closed session for the purpose of discussing matters that might be considered by some Senators—maybe not by those two—as being sensitive to the security of the country.

Mr. CRANSTON rose.

Mr. ROBERT C. BYRD. If I may just finish—if I have misstated anything, I will be very glad to have it corrected by the Senator.

As the proceedings developed, there were Senators who made suggestions, as I have already indicated, as to possible procedures whereby improperly classified material could be declassified. The Senator from Alaska (Mr. GRAVEL) and the Senator from California (Mr. CRANSTON), I believe, were persuaded by the arguments and the suggestions made by their colleagues—persuaded to the extent that they felt they would not press for insertion of the matter for the time being That being the case, everything that was said, as I have already indicated, was of such an innocuous nature that it could have been said in open session.

I believe that the public will bear with us if we conduct closed sessions with respect to a matter which is vital to the national security, but I do not believe that the public will understand or tolerate the Senate's having a closed session in which we engage in discussions that, as I say, by no stretch of the imagination, should be kept secret.

Accordingly, those two reasons having been stated for my urging that the injunction of secrecy be lifted, I shall stop at this point, except to say that it will be my intention, after discussion has gone on for a while, to ask unanimous consent that the proceedings of the two closed sessions on Tuesday last and the closed session of today be printed in the RECORD. I would suggest at the moment, to my own mind, that it be in tomorrow's RECORD—that is Friday's RECORD.

Mr. COOK. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. One final comment first, and then I will be glad to yield to this Senator and that Senator—because I mentioned his name—it was decided in the second closed session that the Senate would meet today in a closed session to make a decision with respect to lifting the injunction of secrecy regarding the proceedings of those two closed sessions.

It was agreed that there would be a limitation, not to exceed 2 hours, for the reaching of a decision with respect to both of those closed sessions.

I say to my colleagues who may not have been present last Tuesday that this was the order. And I, therefore, moved today for the closed session which we are now in.

The PRESIDING OFFICER. Does the Senator from West Virginia offer a unanimous-consent request at this point?

Mr. ROBERT C. BYRD. Mr. President, I shall, and then it can be discussed. Senators can reserve the right to object.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that the proceedings of the two closed sessions of Tuesday last and today's closed session be printed in the RECORD of Friday of this week.

May I say in further explanation of that request, Mr. President, that I think the date of Friday will give Senators who are interested an additional day beyond today in which they may examine the transcripts of last Tuesday and today and edit their own remarks for the better clarification thereof and for the purpose of making grammatical corrections.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, we have a request for a unanimous-consent agreement.

Mr. CRANSTON. Mr. President, I reserve the right to object, and I will not object because I support the proposal made by the Senator from West Virginia. I wish to state first that I think the distinguished acting majority leader has led us wisely and well in a very difficult situation that is unprecedented in some ways. He has now stated very clearly in opening this closed session the events that led to the closed sessions we had and to what occurred there and where we are now except in one respect, in which he stated his understanding of my intentions.

I simply rise to clarify the record. I did not come into the closed session the other day with the intention of making any motion that the National Security Memorandum No. 1 be read into the RECORD for public examination. Had the Senator from Alaska (Mr. GRAVEL) made such a motion, I would have supported that motion, because I believe those records are not properly classified secret now in view of all of the events that have transpired since the memorandum was written and the fact that it contains in my opinion—and I have read it carefully—no material that is sensitive in a security aspect.

However, it was my intention, had a motion been offered by the Senator from Alaska and failed, to then make a motion to set forth the procedures whereby the Senate could in its own wisdom consider the matter and recommend through the committee back to the main body what we should do with those papers.

Mr. President, I read that motion and offered it as a unanimous-consent request. It was objected to by the Senator from Arizona (Mr. GOLDWATER). I did not pursue it with other proposals that I had which could have been allowed by a majority vote in view of the majority will and the fact that many people wanted to suggest other courses. I did, along with the Senator from New York (Mr. JAVITS) and the Senator from Idaho (Mr. CHURCH), indicate a desire in open session to offer a motion to provide a mechanism for the Senate to deal with this and other future situations like it.

That has been my intention straight through and that is the way that I suggested to the acting majority leader of dealing with this problem in terms of our national interest and national security.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator for clarifying the RECORD and his intention. I misstated it. And I am glad that the Senator has corrected my impression.

Mr. ALLOTT. Mr. President, reserving the right to object, I do not want to stop the floor leader from recognizing the Senator from Kentucky (Mr. COOK). However, I wonder, so that we could regularize these proceedings and so that those of us who wished to have remarks could gain the floor in our own right, if he would withdraw his unanimous-consent request until any time that he feels appropriate.

I personally will not object. However, I would like to have the proceedings regularized so that we could obtain the floor in our own right.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request temporarily.

The PRESIDING OFFICER. The Senator from West Virginia withdraws his request.

Who yields time?

Mr. GRIFFIN. Mr. President, am I in charge of half of the time?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, first of all I will probably not object to the request of the Senator from West Virginia. How-

ever, I would like to draw the attention of my colleagues to the fact that rule XXXV does not say a thing about secrets of a national nature or secrecy that would endanger the country's secrets or that would cause a great catastrophe throughout the world. They say: "in the opinion of a Senator require secrecy."

All the conversations we have had dealing with classified material and unclassified material is not covered in rule XXXV at all.

The objection I have is that the Senate was called into a secret session and that the distinguished Senator from California, when it was over, decided to say that even though under rule XXXV we had had a secret session, considering the admonition under rule XXXVI, section 4, he was going to make a motion that anything that occurred in there be made public.

Mr. President, I would like the Parliamentarian to make a report to the Senate on how many secret sessions have been held by the Senate in the last 10 years and how many motions have been made at the end of those secret sessions that the admonitions of rule XXXV have been obviated because a Senator stood upon the floor and said: "I will move that everything said in secret session be printed in the RECORD."

I want to say to my colleagues that I believe one of the greatest concepts of a democracy is freedom of expression. Without it we are in trouble. Without it we are going downhill.

That is the problem that we face in the country today. We have gone through Korea and Southeast Asia. And we have decided to classify so many things. There is an inherent belief in this country that there is not this information. However, let us look at the rules that we live under.

I attended a secret session of the Senate called for by the Senator from Missouri. And the next day I read all about it in the Washington Post. There was no motion at the end of that session that everything go in the RECORD, the maps that were here in the corner, and the debates that went on.

I want to say that is one of the reasons that I wanted this closed session, so that I could put this in the RECORD. The headline reads: "Senate Rejects Gravel's Bid to Air Secret Viet Report." For the purpose of airing what the discussion was, I ask unanimous consent that this article be printed in the RECORD, and if the RECORD is opened up, it will be in the public record.

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

SENATE REJECTS GRAVEL'S BID TO AIR SECRET VIET REPORT

(By Spencer Rich)

A bid by Sen. Mike Gravel (D-Alaska) to place a secret 1969 report on Vietnam in the Congressional Record failed to win Senate approval in a four-hour locked-door debate yesterday, but the issue may be debated again in a few days.

The rare closed session—the first since a debate on Laos last June 7—was requested by Gravel last week. Gravel said he would ask the Senate to allow him to make the 1969 report available to the public by placing it in the public record. The report, prepared under the direction of presidential aide Henry A. Kissinger, is still classified, but Gravel obtained a copy privately.

The "Kissinger Papers," as the document has been called, described the military and political situation in Vietnam—as a way of laying out options for the new Nixon administration.

Gravel contends they show that bombing cannot defeat North Vietnam. Copies of the papers were obtained privately by The Washington Post, Newsweek, Jack Anderson and other reporters. Large excerpts as well as stories based on the 1969 report have appeared in many publications over the past weeks.

Yesterday's debate was conducted under the strictest injunctions of secrecy, and senators emerging from the four-hour and eight-minute meeting cited Senate rule 36, which calls for a senator to be expelled from the Senate if he reveals what went on in a closed-door session.

However, several senators who were present said privately that Gravel had been unable to obtain a final vote on his request to publish the papers in the Congressional Record.

Instead, they said, there were two procedural votes after Gravel held the floor at length to expound the theory that the Senate has the right to "declassify" a document that has been classified as "secret" by the executive branch.

They said Gravel had sought to put the issue in the wider context of whether the executive branch has the right to impose an injunction of secrecy on a co-equal branch of government.

The closed session began at 3:44 p.m. and ended at 7:52 p.m. In the first vote, which occurred at 5:58, the Senate rejected, 36 to 32, a move to go back into open session. At 6:45, it voted a second time, turning down, 39 to 30, a motion by Sen. Russell B. Long (D., La.) to adjourn for the night.

Citing the secrecy rule, Long refused to tell reporters why he had moved to adjourn. One Senator said he interpreted it as a move to put aside the whole issue and, in effect, turn down Gravel's request without actually ever voting on it; another, simply as a move to put off debate until a later day because of the late hour.

Senators said they left the meeting with the definite impression that the issue would be taken up again in closed session, perhaps Thursday. Acting Majority Leader Robert C. Byrd (D., W. Va.) assured reporters there would be no secret session today, but declined to discuss the possibility of such a session later this week.

While debating the Gravel request, the Senate marked time on the State Department-USIA authorization bill, with its Dec. 31 fund cutoff on all U.S. combat operations in Vietnam, including air.

Senate Armed Services Committee Chairman John Stennis (D., Miss.) has offered a motion to strike out the end-the-war language. Administration supporters, believing they have the votes to pass the Stennis move, would like a vote on it this week. Acting Minority Leader Robert P. Griffith (R., Mich.) said yesterday, "we'll be ready to vote this week."

However, the Senate Democratic Caucus is meeting to discuss end-of-war language today, and Sens. Frank Church (D., Idaho) and Clifford P. Case (R., N.J.) apparently want to delay the vote until next week, when Senate Majority Leader Mike Mansfield (D., Mont.)—a supporter of the cutoff—returns from China. They apparently also want delay because they believe the current military crisis in Vietnam would reduce their votes because of a "rally-round-the-commander-in-chief" mood in times of crisis.

Mr. COOK. Mr. President, my only objection is that a closed session was called under rule XXXV. If there is an admonition that goes along with rule XXXV, we ought to be men enough to understand what it is. Are we to understand henceforth that if a closed session is called under rule XXXV, it will be perfectly all right if, by a one-, two-, or three-vote majority the Senate decides that everything that has been considered in that secret session goes in the RECORD?

My objection is that there never should have been one in the first place, for those who called the session, for those who wanted it, for those who seconded the motion for it, and for those who entered into the debate as a result of it. Obviously the Senator from California entered into the debate because I was here. But obviously under rule XXXV it does not mean anything. That is what we are really saying, that rule XXXV does not mean a thing because when it is over and the time for its conclusion comes, then somebody stands up and says: "I move that everything discussed in this secret session pursuant to rule XXXV is no longer of any consequence. I have made a value judgment that none of this in any way should be considered secret."

Rule XXXV says merely "in the opinion of a Senator shall be secret." However, a Senator who did not make the original motion, makes a motion that this all go into the RECORD and be part of the public record.

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

Mr. COOK. I have 5 minutes. Then I am sure the Senator can have some time. He knows I would yield to him if I had more time.

I am only saying that maybe the Senate should rewrite rule XXXV to say that the material should be of a classified nature and should be something that is secret to the Nation and Congress in its role, and the Nation in its relation to the world.

For instance, we voted the other day to go into secret session. When the motion was made, immediately the Senator from Arkansas seconded the motion. Apparently the Senator thought that something would be said that, in his opinion, under rule XXXV was a secret; but obviously nothing was discussed in the nature of a national catastrophe.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. COOK. Maybe we should get rid of rule XXXV or make it conform to what we talk about.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. COOK. I yield.

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

Mr. ROBERT C. BYRD. I yield 1 minute to the Senator.

Mr. COOK. I thank the Senator.

Mr. ROBERT C. BYRD. Did the Senator refer to the Senator from West Virginia when he used the words: Obviously the Senator thought there was going to be something of a sensitive nature. I am paraphrasing.

Mr. COOK. Let me say in all fairness that the Senator had to do it because we had just come out of a secret session and

if we discussed anything relating to it we had to go back into secret session. But my point is that it was utilized for that purpose when there was something sensitive, something that came forth from the secret meeting this body had, but there was nothing in that secret debate that was in any way of a national interest or involved anything in any way classified.

So maybe what we should do in the Rules Committee is to rewrite rule XXXV so that it means what we have been debating here.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 additional minute.

I see nothing wrong with the rules of the Senate. They have evolved over a period of many, many years. They have been tested by experience. I see nothing wrong with them. I would hope we would be just as cautious about amending the rules of the Senate, almost as cautious, as we would be about amending the Constitution.

Now, Mr. President, I moved on Tuesday afternoon to go back into open session. Immediately when we were in open session I began talking to all Senators and inadvertently I found myself, as a result of Senator BENNETT calling it to my attention, talking about things that had transpired in the closed session.

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 additional minute.

I did this inadvertently. It should show how easy it is for a Senator, without any intention, to reveal something which he is not supposed to reveal. So the second session was necessary if we were to further discuss lifting the injunction of secrecy. To have any meaningful discussion of that issue it was necessary to go back into closed session.

Mr. GRIFFIN. Mr. President, I yield such time as may be required by the Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank the distinguished acting minority leader. I would like to inquire of the acting majority leader if it was his intention when he again propounds the unanimous-consent request to limit editing and correcting to the correcting of errors of grammar. The reason I raise that point is to go beyond that would not be a publication of the true record.

The junior Senator from Nebraska was out of town last Tuesday. I was in Lincoln, Nebr. to address a State medical association meeting. I cannot find out what took place Tuesday. None of my colleagues will talk about it. They do not want to be expelled from the Senate. I have a suspicion as to what took place in this room.

Am I to get a revised version and have a modified record of what somebody said, or will the corrections be limited?

Mr. GRIFFIN. Mr. President, will the Senator yield to me? I think I should answer that.

Mr. CURTIS. I yield.

Mr. GRIFFIN. Mr. President, a copy of the transcript of those two earlier sessions is here on the desk for perusal or to make such corrections as Senators are permitted to make, and, if I am not mistaken, I would like to ask the Senator——

Mr. CURTIS. Mr. President, if the Senator will yield there, suppose a printed record comes out which has been revised and does not correspond. Can that be used by a Senator? That record over there, that is the original transcript of what took place—could it be used by a Senator to clarify a position?

Mr. ROBERT C. BYRD. If I may respond to the Senator, the understanding was that Senators could make corrections as they deemed necessary, one to remove grammatical errors and, two, to clarify their statements so as to contribute to a better understanding by the public of what was said.

Mr. CURTIS. I think that is a pretty broad allowance.

Mr. ROBERT C. BYRD. Mr. President, I can only say this. No Senator should understand that any documentary or other material could later be inserted in the RECORD. For example, Senator COOK waited until today to insert a newspaper article. That was the understanding, that no documentary or extraneous matter could be entered. The Senator from Alaska even stated in that session that he would not change one word of his statements.

Mr. CURTIS. I think if it is to be released it should be as near verbatim to what took place as possible with very stringent limitations.

Mr. ROBERT C. BYRD. This original transcript will always be available.

Now, Senators who were here, if they read something in the proceedings—as they later appear in the RECORD—which goes beyond correction of grammar or goes beyond clarification of intent, so as to make for better understanding on the part of the public——

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 additional minutes.

They can get this transcript and call the Senator to task, if they wish to do so. They can do that in open session. Senators make deletions and changes in the RECORD, and if any Senator who was present and heard any other Senator speak, feels the RECORD was changed so drastically that it should be brought to the attention of the Senate and the public, he can do that.

So this transcript has been in my office, and the Senator from Michigan had a copy of the transcript in his office, in accordance with the order entered authorizing Senators to go to those offices and read and edit the RECORD—only Senators, not staff people. The RECORD could not be taken from those two offices. Incidentally, only two Senators have availed themselves of that opportunity as far as my office is concerned.

Mr. President, I ask unanimous consent that today's whip notice, which went from the office of the majority whip to all majority party Senators before 10 o'clock this morning, be printed in the RECORD.

I ask this so that the RECORD will show that my whip notice called attention to the availability in my office of that transcript for any Senator's inspection.

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

U.S. SENATE,
Washington, D.C., May 4, 1972.

DEAR COLLEAGUE: The Senate will convene at 12 o'clock noon today. The following Senators will speak for not to exceed the time shown:

Senator Stennis, 15 minutes.
Senator Buckley, 15 minutes.
Senator Weicker, 10 minutes.

Morning business for not to exceed 30 minutes will then ensue with the usual limitation of 3 minutes on statements. At the close of morning business, the Senate will resume the consideration of the unfinished business, S. 3526, the pending question being on the adoption of Amendment 1175 by Mr. Stennis.

It will be my intention to move that the Senate go into closed session under Rules XXXV and XXXVI, my motion being for the purpose of deciding whether or not to lift the injunction of secrecy regarding the proceedings in the two closed sessions of Tuesday, May 2 (and the closed session of today) and to print those proceedings in the Congressional Record. By previous order, the time for reaching that decision is not to be in excess of two hours. There *could* be rollcall votes in today's closed session. All Senators are urged to be present during the closed session.

Once a decision has been reached regarding the lifting of the injunction of secrecy, the Senate will return to open legislative session to resume consideration of the unfinished business. As of now, I do not contemplate any rollcall vote this afternoon on the unfinished business. Of course, tabling motions are always in order and could bring about unforeseen votes; moreover, conference reports, being privileged matter, can be called up if and when ready (the Black Lung Conference Report, for example, is expected to be called up today or tomorrow, more than likely the latter).

Efforts are being made to work out an agreement to set a definite day and hour for voting on the Stennis amendment. You will be notified if and when such an agreement is reached. I can say now that, if such an agreement is reached, the vote on that amendment would not occur before Tuesday of next week.

NOTE.—Any *Senator* may see the transcripts of Tuesday's closed sessions by reading them in my office, S–148, The Capitol, today (extension 52158).

REMINDER.—Closed session today—possible votes therein. Please attend, if at all possible.

ROBERT C. BYRD,
Extension 52158 or 52397.

Mr. GRIFFIN. Mr. President, I yield 1 minute to myself to advise the distinguished Senator from Nebraska and other Senators that as of the time this closed session began only one Senator had contacted me and had examined the transcript. But the transcript is now available over here and, of course, there has been no unanimous-consent agreement that it will be made public; and the Senator from Nebraska might well have some support if he wanted to insist that corrections be limited to grammatical changes.

Mr. CRANSTON. Mr. President, may I request some time from the Senator from West Virginia?

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to the Senator from California.

Mr. CRANSTON. I refer back to the remarks made by my good friend from Kentucky. The closed session was entered into on the motion of the Senator from Alaska, seconded by the distin-

guished acting minority leader, with full knowledge and prior consent of the distinguished acting majority leader, because of a belief that there might be a discussion of matters sensitive to the national interest, or viewed as such by some Members of this body, which transpired during the course of the debate. In my opinion there was not, and it was why I made the motion to open the debate, and it was the opinion of the Senator from West Virginia that no such material had been discussed. Therefore, he made a unanimous-consent request that the record be laid bare.

The Senator from Kentucky had not had an opportunity to hear our words. He raised a question as to whether or not some material had been discussed that was sensitive, and that every Senator should have an opportunity to remove that from the record before it was made public. That, of course, is the privilege of any Senator concerned with the national interest.

Then there was a discussion about correcting the record to get rid of anything sensitive, and also correcting the record to make clear exactly what a Senator had in mind when he spoke in order to make it meaningful to those who look at the record. If we agree that there was nothing sensitive in it that would preclude its publication, then we should agree that the entire record should be laid bare.

It seems to me that what we are talking about is secrecy in Government. We are talking about secrecy in the executive branch and whether or not the executive branch should do that. So I hope the discussions here are not kept secret so that we are not accused of not keeping things in the open.

The question was asked as to what is the parliamentary practice up to date of making such records public. I checked the record and my understanding is—and he may correct me if I am in error—when we had closed sessions while I have been here and a question was raised as to what material should or should not be made public it was with respect to the ABM closed session and the Laos closed session. They were the only two closed sessions while I have been here. They were made public. I hope we will adopt the wise recommendation of the Senator from West Virginia of doing likewise in this case.

The PRESIDING OFFICER. The Chair will state for the record that he is advised that there have been 10 closed sessions since 1963, including this one, all of which records have been made public by unanimous consent, after being sanitized.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from New York 5 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I have every confidence that the good will that generally animates us in this body will prevail; that we will publish the transcript, as indeed it should be published.

I would like to remind Members of something that happened to me when I first came to Congress. Joe Martin, with whom I served in the House, came into the Chamber, put his arm around my shoulder—this was in 1947—looked around, and said, "Jack, just remember, this is a hard place to get to." I think all of us feel that way and we feel that a problem like this can be worked out without particularly circumscribing a Senator except in his own conscience and the right of a Member to make whatever changes he should make.

Let us remember that even those changes will be made available to us all. So I do not think Members will be wanting to play fast and loose in the transcript. It will all be there. It will not be destroyed. I am sure the deputy majority leader will assure us of that.

But in the discussion so far we have rather missed the forest for the trees. We came here for a purpose. That was to find out whether we shall permit publication of a particular document. We were strangely uninformed the other day. I am supposed to do my homework, but I was uninformed, and a lot of us were. The fact is this is a very murky area. The fact is that there is doubt that the Executive has any right to classify a paper, and if any person should violate the classification of a paper, that person could go to jail, unless it is in the law. The law affects cryptography and communications directly. It indirectly affects classified material, accepts and grants the fact that it is classified and treated of as if there were some law. It is a crime to give classified material to a foreign agent and a crime for that agent to receive it.

If you read the legal justification the Department has for classification, the laws ought to be much tighter rather than weaker, from the point of view of protecting the country, and that could be done, in my judgment, without in any way disadvantaging the Congress whatsoever.

Listen to this, lawyers, and see what you think of this.

Mr. HRUSKA. Which section?

Mr. JAVITS. It is the conclusion. This is unbelievable. "In the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate Presidential authority to issue Executive Order 1051."

Just think of it—"in the absence of any law to the contrary."

It is a fine government of laws, is it not?

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

Mr. JAVITS. I yield.

Mr. HRUSKA. The Senator is talking about statute law.

Mr. JAVITS. Yes.

Mr. HRUSKA. And the Senator implies that that is something horrible. It is not at all, because in the New York Times case this is the way Justice Stewart put it. He said:

> Be that as it may, it is clear to me that it is the constitutional duty of the Executive, as a matter of sovereign prerogative and not as a matter of law as the courts know law, through the promulgation and the enforcement of Executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the field of international relations and national events."

There is an overriding, well precedented procedure for this kind of classification. It is this constitutional basis which is the foundation for the Internal Security Act and also the others acts that impose criminal sanctions of the nature of 5 years in jail and a $10,000 fine. So there is law, notwithstanding the language read with the tenor in which it was read by the Senator from New York.

Mr. JAVITS. I thank my colleague for that point of view. I appreciate it as being a part of what we are doing. It was not my fundamental point. My fundamental point was that obviously there was not the precision respecting the authority of the President which we would expect on so highly sensitive a matter, where there is a question of challenge between him and the Congress as to what he should or should not give us.

All I am talking about is not the past, but the future. That is what I was coming to. How do we meet this great crisis? Should we act in the field, because they are depending on essentially the situation that we have not acted in the field, or if we have, it was by implication. That is what I am talking about. I am talking to my congressional colleagues. Do we think we should explore it precisely so as to give a fair break to ourselves and the people?

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Is the Senator discussing the congressional proposal for authority to declassify?

Mr. JAVITS. I am going to discuss a way we can get at it. That is why I came up with a suggestion, joined in by a number of Senators, that this is a subject urgently requiring the Senate to face it, and I was going to announce that, together with other Senators, in the morning hour tomorrow, I will bring up a resolution seeking to establish a committee of 10, five to be appointed by the majority leader and five by the minority leader, the majority leader to be chairman and the minority leader to be cochairman, in order to deal with this whole subject, and I state in the resolution:

> The Committee shall conduct a study and report its findings and recommendations to the Senate, within sixty days of its establishment, on all questions relating to the secrecy, confidentiality and classification of government documents committed to the Senate, or any Member thereof; and propose guidelines with respect thereto, and the laws and rules relating to classification, declassification or reclassification of government documents, and the authority therefor.

Mr. FULBRIGHT. Of course, I would like to join the Senator, but I would want to go a little further. Is the Senator considering not only the immediate problem of these papers, but the proposal the Senator from Idaho read the other night about a method for congressional declassifying by majority vote of the House?

Mr. JAVITS. That is exactly right.

Mr. FULBRIGHT. Will that be included in his resolution?

Mr. JAVITS. I hope the first tangible, substantive proposal which will be before

the committee will be that of Senator CHURCH.

Mr. FULBRIGHT. I think that is urgent. I would certainly cosponsor that. I think it would be a great service if that could be clarified.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. TOWER. Is there not some rather clear statutory authority, or at least an acknowledgement by Congress through enacted legislation, of the right to classify, in the Freedom of Information Act, which is contained in title 5, section 552, of the United States Code, where there is a specific exemption of documents that are by executive order required to be kept secret?

Mr. JAVITS. Will the Senator read what he has in mind?

Mr. TOWER. Well, the exemption is contained in subsection (b), where it says:

> This section does not apply to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

Mr. JAVITS. Well, that is true, Mr. President, and there are other implied authorities. All that I was pointing is that if you look at all the authorities, you will find they are all implied insofar as classification is concerned, as it affects us.

What I was arguing, and Senator HRUSKA kindly helped me make it vivid, is that we need, in our own interest and that of the country, to deal with the subject specifically. In other words, what can the executive classify as to us? All the questions, like the section the Senator has read and the ones to which I have referred, the Internal Security Act, what is called the Espionage Act, the National Security Council legislation—all the acts take for granted the fact that there is classified information, and that somebody is classifying it, to wit, the President or the head of an agency or department authorized by him. All I was saying is that——

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

Mr. JAVITS. One more minute. All that I am saying is that because of what has arisen, it is time to deal with the question specifically, so that, for example, conceivably Congress would authorize the President to do so and so and so and so, and we would authorize ourselves to do whatever else ought to be done. That would be a law. As it is now, it is implied.

Senator HRUSKA argues that that implication is valid under the Constitution because of the President's executive authority to administer the law, and he quotes Justice Potter Stewart. I am not criticizing that. I only point out that it is implied; even if the courts say it is lawfully implied, it is still by implication, and the circumstances which have arisen in the country dictate a need for specificity, because it is now we who are concerned, not some government official who is running out with papers under his arm, or some spy or aid to a spy who is going to leak it to somebody else; it is the Senate or the House of Representatives.

Mr. TOWER. Mr. President, I just wanted to avoid the implication that the President was doing something illegal when he issued that order.

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

Mr. JAVITS. I do not think I am disposing of the time.

Mr. ROBERT C. BYRD. I yield the Senator such time as he may require.

Mr. CRANSTON. I would first like to ask the Senator from New York if he can place in the RECORD the memorandum he read, so that it will be available for the guidance of all of us.

Mr. JAVITS. I prefer not to, because I am going to introduce it in the morning.

Mr. CRANSTON. I did not mean that. The Senator quoted from some memorandum.

Mr. JAVITS. Oh, yes. I am sure I can put that in the RECORD. I ask unanimous consent that the legal memorandum dealing with the classification program, which has been prepared at my request, which I gather dates back to 1970, be printed in the RECORD as a part of my remarks.

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

LEGAL BASIS FOR THE CLASSIFICATION PROGRAM

Information on the legal basis for the security classification program was previously furnished to the Chairman of the Senate Foreign Relations Committee by letter of April 30, 1970, from the Legal Adviser of the Department of State, John R. Stevenson. (Copy Attached).

The legal statement then provided was taken from the 1957 Report of the Commission on Government Security, and it is set forth below for ease of reference.

AUTHORITY FOR THE PROGRAM

"As previously noted, the current legal authority for the document classification program is Executive Order 10501, which became effective December 15, 1953, and revoked Executive Order 10290.

APRIL 30, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your inquiry of March 26, 1970 as to the statutory authority for Executive Order 10501, concerning the safeguarding of official information. In 1957 a Commission on Government Security, appointed by President Eisenhower, the Speaker of the House of Representatives, and the President of the Senate, pursuant to Public Law 304, Eighty-Fourth Congress, considered the legal basis for Executive Order 10501. I am enclosing for your information the pertinent section of the Commission's report. You should be aware that one of the statutes cited in the report, 5 U.S.C. § 22 (now 5 U.S.C. § 301), was amended in 1958 and is no longer relevant.

In addition to the statutes cited by the Report, there are other statutory provisions that contemplate and assume a system of classification of information. For example, section 142 of the Atomic Energy Act of 1954 (42 U.S.C. § 2162 (c)) provides that, upon joint determination of the Atomic Energy Commission and the Department of Defense, data which relate primarily to the military utilization of atomic weapons and "can be adequately safeguarded as defense information" may be removed from the classification of "restricted data". This provision is obviously predicated on the system for protection provided for in Executive Order 10501. See also the exception, in the Freedom of Information Act, for classified information "specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy," 5 U.S.C. 552(b)(1)).

We have discussed this matter with Assistant Attorney General Rehnquist of the Department of Justice who informs us that the Justice Department agrees with the Commission's report regarding the legal basis for Executive Order 10501 subject to the points made above.

I hope this information is helpful to you.

Sincerely,

JOHN R. STEVENSON,
The Legal Adviser.

REPORT OF THE COMMISSION ON GOVERNMENT SECURITY

* * * * *

LEGAL BASIS

Authority for the program

As previously noted, the current legal authority for the document classification program is Executive Order 10501, which became effective December 15, 1953, and revoked Executive Order 10290.[1]

Legal justification for the order

The preamble of the order contains the standard recitation that it was issued, "By virtue of the authority vested in me by the Constitution and statutes as President of the United States." Therefore, to be valid, Executive Order 10501 must be the product of a proper exercise of executive power derived either from executive authority conferred by the Constitution or from statutory authority, or both.

A. EXECUTIVE AUTHORITY CONFERRED BY THE CONSTITUTION.—Pertinent sections of the Constitution appear to contain no express authority for the issuance of an order such as Executive Order 10501. However, the requisite implied authority would seem to lie within article II which says in section 1: "The executive power shall be vested in a President of the United States of America"; and in section 2: "The President shall be Commander in Chief of the Army and Navy of the United States"; and in section 3: ". . . he shall take care that the laws be faithfully executed."

When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus "takes care" that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicated upon statutory authority or direction.

B. STATUTORY AUTHORITY.—While there is no specific statutory authority for such an order or Executive Order 10501, various

---

[1] Executive Order 10501 is entitled "Safeguarding Official Information in the Interests of the Defense of the United States." In summary, it establishes the classification categories of "confidential," "secret," and "top secret." It is designed to regulate the day-by-day handling of national security information within the various executive agencies and departments by prescribing uniform procedures governing the classification, transmission, dissemination, custody, and disposal of such information. In addition, there is provision for review of the entire classification program to insure adequate protection of the national security as well as to insure that no information is withheld thereunder which the people of the United States have a right to know.

statutes do afford basis upon which to justify the issuance of the order.

A statute frequently cited as affording some implied authority for the issuance of Executive Order 19501 is found in 5 U.S.C.A. 22, which authorizes the heads of departments and agencies, among other things "to prescribe regulations, not inconsistent with law, for . . . the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it." The primary purpose is to afford a check or brake upon the general flow into the public domain of such agency information which might reflect upon internal management or proposed policy, and the publication of which could impede or prejudice efficient agency operation. The fact that such information may involve national security matters is not essential in giving proper effect to the statutory language.

The espionage laws have imposed upon the President a duty to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 18 U.S.C. 795 (a) provides that "Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, . . ., etc." Proceeding under this statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.[2]

In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of "classified information" pertaining to the cryptographic and communication systems and facilities. Furthermore, the term "classified information" is defined as information which for reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution.

The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act[3] in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and study security matters of common interest to the departments and agencies and to make appropriate recommendations to the President. Within the framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being, and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act.

Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950.[4] Contained therein were provisions defining two new criminal offenses involving classified information.

Section 4 (b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4 (c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee.[5]

Conclusion

It is concluded, therefore, that in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501.

PRESENT PROGRAM

Introduction

This survey, by definition, is concerned with the activities of the Federal Government as they involve policies and practices with respect to classified documents. It is not intended to cover information control policies and practices that do not involve material subject to the classified information provisions of Executive Order 10501. Although departmental and agency policies with respect to information control may impinge upon the area of document classification, they are governed by different criteria. The criteria of document classification involve application of narrowly defined standards of national security and defense. The criteria of information control, on the other hand, involve the broadest kind of standards. They range from the traditional claim against privileged information to the arguments for the "housekeeping" privileges required in the normal operation of the executive branch.

Scope of the program

Although all Federal agencies have rules of some type to control documents and information in their possession, relatively few have the authority to restrict general availability of their material on grounds of its relevance to either national defense or security. Under Executive Order 10501 the authority to apply the top secret, secret, or confidential classification to Federal documents was severely limited. The following 28 agencies were denied authority to apply original classification to material originated by them:

American Battle Monuments Commission; Arlington Memorial Amphitheater Commission; Commission on Fine Arts; Committee on Purchases of Blind-Made Products; Committee for Reciprocity Information; Commodity Exchange Commission; Export-Import Bank of Washington; and Federal Deposit Insurance Corporation.

LEGAL BASIS

AUTHORITY FOR THE PROGRAM

As previously noted, the current legal authority for the document classification program is Executive Order 10501, which became effective December 15, 1953, and revoked Executive Order 10200.

"Executive Order 10501 is entitled 'Safeguarding Official Information in the Interests of the Defense of the United States.' In summary, it establishes the classification categories of 'confidential,' 'secret,' and 'top secret.' It is designed to regulate the day-by-day handling of national security information within the various executive agencies and departments by prescribing uniform procedures governing the classification, transmission, dissemination, custody and disposal of such information. In addition, there is provision for review of the entire classification program to insure adequate protection of the national security as well as to insure that no information is withheld thereunder which the people of the United States have a right to know.

"LEGAL JUSTIFICATION FOR THE ORDER

"The preamble of the order contains the standard recitation that it was issued. 'By virtue of the authority vested in me by the Constitution and statutes as President of the United States.' Therefore, to be valid, Executive Order 10501 must be the product of a proper exercise of executive power derived either from executive authority conferred by the Constitution or from statutory authority, or both.

"A. *Executive Authority Conferred by the Constitution.*—Pertinent sections of the Constitution appear to contain no express authority for the issuance of an order such as Executive Order 10501. However, the requisite implied authority would seem to lie within article II which says in section 1: 'The executive power shall be vested in a President of the United States of America'; and in section 2: 'The President shall be Commander in Chief of the Army and Navy of the United States'; and in section 3: '. . . he shall take care that the laws be faithfully executed.'

"When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus 'takes care' that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicated upon statutory authority or direction.

"B. *Statutory Authority.*—While there is no specific statutory authority for such an order or Executive Order 10501, various statutes do afford a basis upon which to justify the issuance of the order.

"A statute frequently cited as affording some implied authority for the issuance of Executive Order 10501 is found in 5 U.S.C.A. 22, which authorizes the heads of departments and agencies, among other things "to prescribe regulations not inconsistent with law; for . . . the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it." The primary purpose is to afford a check or brake upon the general flow into the public domain of such agency information which might reflect upon internal management or proposed policy, and the publication of which could impede or prejudice efficient agency operation. The fact that such information may involve national security matters is not essential in giving proper effect to the statutory language.

"The espionage laws have imposed upon the President a duty to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 18 U.S.C. 795 (a) provides that "Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture. . . . etc." Proceeding under the statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.

"In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of "classified information" pertaining to the cryptographic and communication systems and facilities. Furthermore, the term "classified information" is defined as information which for

[2] 15 F. R. 597, Feb. 1, 1950.

[3] 61 Stat. 496, July 26, 1947.

[4] 64 Stat. 937–1031.

[5] 50 U. S. C. A. 783.

reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution.

"The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and study security matters of common interest to the departments and agencies and to make appropriate recommendations to the President. Within the framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being, and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act.

"Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950. Contained therein were provisions defining two new criminal offenses involving classified information.

"Section 4(b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4(c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee.

"CONCLUSION

"It is concluded, therefore, that in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501."

Mr. CRANSTON. I would like to say I am one of those who have been working with the distinguished Senator from New York in preparing the resolution he is offering. I will join in cosponsoring it, because it is obvious that we need a careful study of how to deal with problems like this in the future. With the Senator's advance knowledge, I am going to offer an amendment to his resolution, which I would like to read for the information of all concerned. The amendment would insert, at the end of what Senator JAVITS proposes, the following language:

Such report—

That is, the report of the committee that he has suggested be established by the majority and minority leaders on this matter—

Such report shall also include recommendations to establish a continuing mechanism in the Senate for disposition of the requests for opinions which individual members or groups thereof may make respecting the applicability of procedures and guidelines adopted by the Senate to govern the secrecy, confidentiality, and classification of such documents.

A final sentence would then read:

Until such report is made, such Select Committee shall perform the functions prescribed in the preceding sentence, and shall dispose of any such request within 30 days of receipt thereof.

I included that final sentence so that this committee could receive a document such as National Security Study Memorandum No. 1 and make a determination as to what it felt was the proper disposition of that memorandum, and report back to the Senate for the Senate's further consideration of the matter within 30 days. This would provide a mechanism for dealing with the problem we face.

I have discussed all of this with SAM ERVIN, whom all of us respect for his knowledge and judgment in this field. He raises a large question about what both the Senator from New York and I propose. He feels that if the Senate adopted a procedure such as this, we would be sort of, in advance, preventing or prejudicing or precluding the right of an individual Senator, which he now possesses under the law as a Senator, to proceed to make whatever efforts he chooses to make and sees fit to make, in view of his understanding of his responsibilities and of the national interest, in relation to any document into the possession of which he comes.

I simply state that as evidence that we will have a considerable debate on this matter, and frankly, after talking with SAM ERVIN, I am not totally convinced at the moment as to what course is wise and what course is unwise.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I yield the Senator from New York my remaining time.

Mr. JAVITS. I would like to state that I do not expect the resolution to be immediately enacted. This is just a way of laying it before the Senate.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Kentucky 3 minutes.

Mr. COOPER. Mr. President, I just want to make two observations.

First, I agree with Senator HRUSKA and Senator JAVITS that there is a question which goes to the President's power, in his duty to administer the law of the land, which I understand he is not dealing with.

Mr. JAVITS. That is right.

Mr. COOPER. Then, I understand that in the case of the Pentagon papers, several Justices, in their opinions, said that they found it very difficult to pass upon the issue because Congress had not laid down any rules dealing with such matters, and I would assume with classification.

I am sure the Senator's inquiry did look into this problem, but just for the RECORD, I wanted to raise the question. I assume, under the constitutional immunity given to a Member of the Senate to say anything he wants to in the House or in its committees, and therefore it is open to the public, that even with some papers which have been illegally secured he could do that.

But will the Senator consider, in his study, that subject of what the Senate should do with respect to papers which do not come in the regular course of business, either to a Member or to a committee, but which come from sources which have secured them illegally?

Mr. JAVITS. I certainly believe we have to. I thoroughly agree with the Senator that nothing must be done to trammel or impede or abort the constitutional privilege of every Member. But every Member is on notice that that constitutional privilege is subject to his position as a Senator. So long as he is a Senator, he has the right to do whatever he wishes respecting those papers. But he can be unmade a Senator, if that is the way the Senate decides.

I am reminded of what I consider among the most heroic examples in American history, of Martin Luther King attending a prayer meeting, blocking the street on bended knee, praying to our common God for what he considered to be justice, with his little package under his arm, not only prepared to go to jail, but it was an essential part of the ritual that he was perfectly ready to accept the fact that you had to run an orderly society. This did not stop him, but he did not expect to be excused.

So I agree thoroughly with the Senator from Kentucky.

Of course, we cannot, should not, and I hope, so long as I am alive, will not interfere with the right of a Senator to speak anything he wishes. But there are other aspects of the matter, as, for example, when a Senator comes to us—which is essentially what Senator GRAVEL did—and says: "What do you want me to do? How shall I proceed? I do not want to run it as if it is my own. I have a right to, but I do not want to. How shall I proceed?"

Or, as Senator FULBRIGHT says to the executive department: "You deny it to me, but I force it out of you. You give it to me. Then when I see it I say: It is ridiculous. Why did you deny it to me? Why should we have this fight?" And he is right. But who is to decide?

These matters certainly cannot be left to implication. These are the difficult problems about which I hope we would begin to get some enlightenment from this committee.

Mr. GRIFFIN. Mr. President, the Senator from Ohio has been seeking recognition. I yield him such time as he may require.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Mr. President, I noted the statement of the Chair a few moments ago with regard to rulings since 1963. I also noted that comments in regard to them related totally, I believe, to action by unanimous consent and desecrefying the proceedings of the Senate.

My inquiry is whether, in view of rule XXXV, a motion to desecrefy the proceedings of the Senate in a secret session would be in order under the precedents.

The PRESIDING OFFICER. Under the precedents, particularly those prior to 1929, it could be done by motion.

Mr. TAFT. On a vote of a simple majority of the Senate?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. TAFT. I thank the Chair. I ask for recognition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TAFT. Mr. President, there is a question here that the Senate has not fully considered, as to what is really in the national interest in this regard. A great deal has been said—and I share in the feeling—that the fullest possible disclosure to the public of information on which Congress acts is tremendously important in principle. But I think we ought to be asking ourselves, too, whether or not having a simple majority vote of this body to desecrefy the proceedings of a secret session of the Senate is in the national interest. If it is not, and if the precedents indicate, as has just been ruled by the Chair—although I find nothing in the Senate rules that would so indicate, insofar as the rules themselves are concerned—but if this indeed is the situation with regard to the precedents—and I may not object to the unanimous-consent request, because I do not want to strengthen the precedents any more than they exist today, and I almost hope we do not go beyond the unanimous-consent procedure—but if we do, and if we set the precedent clearly, once and for all, that a simple majority vote of the Senate may desecrefy a secret session of the Senate, I think we may well raise some very serious questions of national interest, not so much with regard to military classification and national security matters, because in these matters I feel that the Senate is going to act with great care; but it seems to me that at times information may come into the hands of a Senator, perhaps with regard to other branches of the Government, which he may consider to be of enormous importance for consideration by the Senate or by Congress. Yet, if he knows that by a mere vote of a majority in the body, with perhaps heavy political implications involved, the matter may be desecrefied, he will not bring that matter before the Senate for its consideration.

If we are going to take this step today and further strengthen the apparent precedents that are involved, I think we should consider very seriously whether or not we should go into an amendment of the rules of the Senate to require at least a two-thirds vote—perhaps even a greater vote—so that we do not get that countereffect upon the desirability of having each Senator feel that he can bring to the Senate any matter that happens to come to his attention which he feels requires a secret session, but which he would not want to bring before the Senate for a secret session if a majority vote could declassify it. I think this is a question that we should go into seriously in considering our rules.

As I have said, insofar as the action today is concerned, I feel that we probably should go along with the unanimous-consent request, because I do not feel that the issue is raised directly on this particular point, and I do not want to strengthen the precedents. I think that the precedent we are setting and strengthening even by going along with the unanimous-consent request is one that the Senate should examine very carefully in the near future.

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

Mr. TAFT. I yield.

Mr. MATHIAS. Mr. President, it seems to me that the Senator from Ohio has raised an interesting and an important point which directs our attention toward the two ways in which such information can be used. One way is for it to be used by the Senate, within the Senate, for the necessary legislative purposes of the Senate. The second way is for the Senate to use the information in such ways that require its publication beyond the Senate.

I think this is a difference which has not been focused on in this discussion, but it is an important difference, and it goes to the very heart of what the Senator from Ohio has suggested.

Mr. TAFT. I thank the Senator from Maryland. I agree with him.

I might say, also, that many of the remarks of the distinguished Senator from Kentucky go directly to the point I have raised.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I want to associate myself with the remarks of the Senator from New York. I do not know that I can clarify them much.

I agree with the Senator from Texas, if what he says is confined to the executive department. I certainly never have questioned nor wished to question the authority of the President's executive order to control the dissemination or publication or anything within the executive department.

The part of this question that interests me very much is the right of the Senate as an institution to the information to which I believe it is entitled in its legislative duties. I do not think that Executive Order 10501, I believe it is, referred to by the Senator from New York, does have the force of law with respect to controlling or influencing the right of the Senate and its committees to basic information which is relevant to the duties of the Senate.

This is a matter that has plagued several committees, not just the Committee on Foreign Relations.

The Senator from North Carolina, in the Committee on the Judiciary, has had as much to say about this as I have—or more.

This really is the on-going question of checks and balances—the rivalry, if you like, of the legislative branch. Myself, I am very much devoted to the primacy of the legislative branch. The Constitution intended it to be that way. I think it is so written. I think the reference to which the Senator from Nebraska had in Justice Potter Stewart's comments do not deal with the power of the Congress as distinguished from the New York Times or someone else to have access to classified information.

So what I am particularly interested in is that this committee, which I understand from this discussion will probably be appointed, will pay particular attention to the proposal of the rights of Congress for the declassification of material. I was not thinking of the kind of case in which the Senator from Ohio was talking about. If that is a classification at all, it is a classification by the Senate itself. That is a separate problem from the one in which I am very much interested.

I think it might be interesting for the Senate—maybe this has been called to your attention—one of my staff called to my attention a comment made by the present occupant of the White House, President Nixon, on April 27, 1948, when he was a Member of the other body.

The background on this is his desire to obtain a copy of a letter relating to Dr. Condon—one of the well known cases back in those days. It is very interesting to show the different attitude of the same man when a Member of the House of Representatives, or of the Senate, after he moves a few blocks down the street.

Here is what he said:

> Now, I am not criticizing the reporter for getting the information. That is his job. But I do say that when the time comes that the executive department feels that a particular letter is so confidential that it cannot be disclosed in executive session to a committee of Congress but that its contents can be bandied about among newspaper reporters, it is certainly high time that the Congress did something about that situation and got the information to which it was entitled.
>
> I am now going to address myself to a second issue which is very important. The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.
>
> I say that that proposition cannot stand from a constitutional standpoint . . .

I invite the particular attention of the Senator from Nebraska to that. This is the present President of the United States speaking when he was a Member of the House of Representatives—

> . . . or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

Mr. President, I ask unanimous consent that the entire page of the CONGRESSIONAL RECORD, which is page 4783 dated April 22, 1948, be printed in the RECORD. It is an historical comment on the controversy which is now engaging the Senate.

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

[From the CONGRESSIONAL RECORD, Apr. 22, 1948]

Mr. NIXON. Mr. Speaker, I think my distinguished colleague from the State of California [Mr. LEA] put his finger on this problem very neatly in his 3 minutes. I am going to address myself to that particular point.

There are Members of the House who may disagree on the merits of the Condon case itself. You may have different viewpoints as to whether or not Dr. Condon is or is not

loyal. You may have different viewpoints as to whether or not his alleged associations do or do not constitute a security risk. You may have different viewpoints on whether or not the procedures of the Committee on Un-American Activities, in presenting the Condon case, have or have not been fair to Dr. Condon. These are not the issues before us, however.

I wish to address myself, as did the gentleman from California [Mr. LEA], to the narrow but very important issue before us, of this particular FBI letter. Referring to the letter, I want to summarize briefly the facts concerning it, most of which appear in the report, but an elaboration of which will, I believe, be of interest to the Members.

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

Mr. NIXON. I yield.

Mr. PRIEST. Will the gentleman point out, if he has knowledge on which to base it, whether or not in his opinion the disclosure of all the contents of this letter would in any way endanger the security of the country? That is troubling a great many Members.

Mr. NIXON. I am glad the gentleman mentioned that point, because I intend to discuss it in my remarks, specifically.

In the first place, this letter was the basis for a report by a subcommittee of the Committee on Un-American Activities which was issued on March 1.

Certain paragraphs of the letter which had been obtained by a committee investigator were quoted in the report. The quoted portion referred to various associations of Dr. Condon with alleged foreign agents and the committee report concluded that these associations constituted a security risk in view of Dr. Condon's access to secret information.

On March 3, the letter again became a subject of discussion as the result of an article which appeared in the Washington Post. It is important to refer to this article because it fills out the story.

I quote from the article of March 3:

"Two persons who saw the letter, and are known to be reliable, told the Washington Post last night that they were struck by the omission in the subcommittee's quoting of the letter of a certain sentence."

The following day, on the 4th of March, another article appeared in the Washington Post which stated:

"The exact text of the missing statement was secured by the Washington Post last night."

The newspaper article, in other words, quoted directly from a letter which the executive department refused to turn over to a congressional committee.

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

Mr. NIXON. I yield.

Mr. HARRIS. Can the gentleman, as a member of the Committee on Un-American Activities, who has given much time and thought to this question, tell this House whether or not the statement just read, together with the statement in the report issued by your committee, contains the full text of the letter in question?

Mr. NIXON. That is exactly the point. The gentleman has asked whether these quotations constitute the full and exact text of the letter. We do not know. That is what we are trying to find out. We do not know whether the version of the letter quoted in the committee report is correct, or whether the version quoted in the newspaper is correct, because we, apparently unlike the newspaper reporter involved, cannot get the text of the letter.

But this point should be emphasized to the House. Confusion has resulted by reason of the fact that portions of this letter were included in the committee report which apparently cast an unfavorable deflection upon Dr. Condon, while other portions have been quoted in the newspapers which create the inference that Dr. Condon is completely innocent, insofar as these particular associations are concerned. In order to clear up this confusion, in order to clear the air, it is essential that the whole letter come out.

I wish to point out that there are only two copies of this letter, one in the FBI and one in the Department of Commerce. Certainly no one will contend that the FBI made the letter available to newspaper reporters. The only other place from which it could have come was the Department of Commerce. We heard before our committee, in executive session, every available employee of the Department of Commerce who was supposed to have seen the letter. Every one of them refused to divulge the contents of the letter in any respect to a committee of Congress, and yet we find that portions of the letter are apparently made available to a newspaper reporter and are used to discredit the committee's report.

Now, I am not criticizing the reporter for getting the information. That is his job. But I do say that when the time comes that the executive department feels that a particular letter is so confidential that it cannot be disclosed in executive session to a committee of Congress but that its contents can be bandied about among newspaper reporters, it is certainly high time that the Congress did something about that situation and got the information to which it was entitled.

I am now going to address myself to a second issue which is very important. The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

I say that that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

Any such order of the President can be questioned by the Congress as to whether or not that order is justified on the merits. So, looking at the order and noting the reasons which the President gave for denying this information to the Congress, let me read:

"It is necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the discrimination of unfounded or disproved allegations."

This is from the memorandum of the President of March 13.

The SPEAKER. The time of the gentleman from California has expired.

Mr. WOLVERTON. Mr. Speaker, I yield the gentleman from California one additional minute.

Mr. NIXON. In the brief time remaining to me I want to apply these two criteria to the Condon letter. First, the order says we must not disclose confidential sources of information. As a matter of fact, this letter does not disclose confidential sources of information, and I make this statement on the basis of the testimony of Mr. Towne, secretary of the Commerce Department Loyalty Review Board, before our committee. Let me quote from that testimony:

"Mr. Stripling. * * * I contend that there are no names disclosed in Mr. Hoover's letter.

"Mr. Towne. If Mr. Harriman's letter is limited to the letter of May 15, a thing of which I was not aware. I think it would be accurate to say that the FBI file, however, does contain the names of people, however, who are identified by name."

From this statement it seems apparent that there are no sources of information in the letter. There may be in the complete FBI file which is not covered by this resolution.

The second point, just as important, upon which the President based his secrecy order is that we must protect Government personnel against the dissemination of unfounded or disproved allegations. This point constitutes one of the strongest arguments for making the letter public rather than for keeping it secret. Because as a result of the portions of the letter which have already been released allegations have been made which reflect upon Dr. Condon. Some sources say that the letter in fact clears him of these charges. In the interest of a complete airing of all the facts and of dispelling these unfounded allegations, if they are that, it is essential that the entire content of the letter be released to the Congress.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. FULBRIGHT. Mr. President, it is interesting, because it is an on-going problem. It is not peculiar to this administration or to any other administration. What I am interested in is that Congress itself have greater access to information much of which is not of a sensitive nature with regard to the defenses of the United States. I call attention to the fact that the last case that came before my committee was simply what the President called the internal working order of the USIA information. I believe under the President's own words, there is no justification for his present Executive order saying that virtually all internal working papers, everything except the final decision of the executive department, is available to the Congress. I think he himself would have said that and did say it at the time he made that comment.

So I sincerely hope that this committee will give particular attention to the question of the right of Congress to information relevant to its legislative duties. The other questions are important, but peripheral to that.

Mr. GRIFFIN. Mr. President, I now yield 3 minutes to the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Kentucky is recognized for 3 minutes.

Mr. COOK. Mr. President, the comments of the Senator from Arkansas are interesting. I only say that I do not know the President has entered into this debate. My understanding is that the papers the Senator from Alaska has, and which the Foreign Relations Committee has—I do not know whether the chairman of the Foreign Relations Committee made those papers available to all members of the Foreign Relations Committee—but I think this bears——

Mr. FULBRIGHT. If the Senator will yield right there, let me say that I did not make them available to the committee. There is no time to discuss that now, but I will be perfectly willing to discuss it in open or any other session. They were delivered to me. I did not make them available to anyone.

Mr. COOK. My point is, this bears out the remarks the Senator from Ohio made, as to how we use a secret session, and whom we decide to scold in secret session, and whether we make them political secret sessions. The intervention of

the President's remarks in 1948, they may be the same remarks today. I have no idea. I do not know that it goes to the point of the debate before this closed session now that involves the remarks of the President of the United States in 1948, except that it will be necessary to get those into the RECORD when they become open and available for publication—which they should be.

But the point is, we get back to the real debate we had here, and that was as to certain papers a Member of the U.S. Senate had that came into his possession, and that had been distributed to other sources, including your own and to your own committee—and, obviously, members of your own committee did not have them available to them.

So maybe we should take into serious consideration the veil of secrecy that may really prevail within the confines of the committee system of the U.S. Senate, and that this great debate we are having as it applies to the executive might also apply to the legislative as well.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, first, I should like to ask a parliamentary inquiry.

When we had the secret session the other day, I raised the question that we could not go into an executive or secret session because the motion was not properly made. At that time, or subsequent to that time, the Parliamentarian showed me two precedents, which I looked at rapidly, which seemed to indicate that any Senator may make a motion to go into secret session provided it is seconded without respect to the qualifications of rule XXXV.

Now, Mr. President, I make this parliamentary inquiry.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Colorado will state it.

Mr. ALLOTT. Would it be in order at this time to ask unanimous consent that, without respect to any former precedents of the Senate, a motion to close the doors of the Senate and indulge in a secret session may only be made under the provisions of rule XXXV? I ask if such a unanimous consent would be in order.

The PRESIDING OFFICER (Mr. STAFFORD). The Chair is informed that such a unanimous consent would be in order. It would have the effect, the Chair is informed, of repudiating previous precedents.

Mr. ALLOTT. Then, Mr. President, because this is the rule of the Senate, I make such a unanimous consent request.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I would have to object today, until I could have a better understanding of just what is involved when we talk about repudiating previous precedents of the Senate. I would hope that the Senator would withhold his request and allow us——

Mr. ALLOTT. I will do so. I will be happy to do it at the request of the majority whip, but I think this is a very important question, because there have been subsequent ones. I think the last one was in connection with the late Senator Dirksen in 1969 in which the precedent set up under rule XXXV completely vitiates rule XXXV. And if we are going to vitiate rule XXXV, let us change it and toss it out of the window.

I would hope, at a later time perhaps—there is no reason why it should not be open—in an open session to make such a request because I know of no other way to go back to the rules of the Senate as they are written.

Mr. President, I would like to comment on this matter.

The PRESIDING OFFICER. The Chair understands that the request has been withdrawn then.

Mr. ALLOTT. Mr. President, I withdraw it temporarily.

The PRESIDING OFFICER. The request is withdrawn.

Mr. ALLOTT. Mr. President, to me I think there are several questions which have not been discussed here that have lightly been alluded to. One of the most serious questions is what is the position of any person, a Senator or anyone else, who comes into the possession of documents which are stolen, and what are his duties?

The Senator from New York has alluded to some law. I ask unanimous consent that at this point in my remarks several sections of the Atomic Energy Act of 1954 be printed in the RECORD. They are sections 224, 225, 227 of chapter XVIII under the title "Enforcement."

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

SEC. 24. COMMUNICATION OF RESTRICTED DATA.—Whoever, lawfully or unlawfully, having possession or access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

a. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than twenty years or both;

b. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than ten years, or both.

SEC. 225. RECEIPT OF RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than $20,000 or imprisonment for not more than twenty years, or both.

SEC. 227. DISCLOSURE OF RESTRICTED DATA.—Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency of the United States, or being or having been a licensee of the Comission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any Restricted Data, knowing or having reason to believe that such data is Restricted Data, to any person not authorized to receive Restricted Data pursuant to the provisions of this Act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive Restricted Data shall, upon conviction thereof, be punishable by a fine of not more than $2,500.

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

Mr. GRIFFIN. Mr. President, how much time remains to this side?

The PRESIDING OFFICER. Seven minutes remain to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I yield 5 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 additional minutes.

Mr. ALLOTT. Mr. President, I will close as rapidly as I can. As an example of what we should do, I would think, if the Senator makes his request, that 60 days is not enough. I think we ought to look at the secret papers after the British Government. I have not read them. However, I have discussed them in some years past with other people. I think they should be made applicable here.

Mr. President, I was quite sincere the other day. I think the whole question is—whether we approve of what this President has done or not and whether we think he has the power or not—how long this country can go on with having highly classified, highly sensitive documents stolen from the executive branch or from Congress, for that matter, and published.

This becomes particularly pertinent in the remarks made the other day by the Senator from Alaska when he said in substance that it was a matter of his own conscience as to whether he should release these. If we are all on that basis, then we have reached a state of anarchy. There is no other choice. We have to establish laws, and those laws have to be broad and cover the whole spectrum of this problem.

Otherwise, we had better not touch it. We had better leave it alone.

In conclusion, Mr. President, I want to say that my purpose the other day in opposing the opening of the record on these matters was simply to see how strictly the Senators in this body could

obey the injunction of the rules of the Senate. I recall specifically when we had the closed session on the ABM that I read in the paper the following morning specific figures that could never have come out of anywhere but that closed session of the Senate. Maybe we had better look at our rules and our whole procedures and decide that it is time for us to be sure to start to live up to the rules of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. The other side has 8 minutes remaining. The Senator from Michigan has 3 minutes remaining.

Mr. GRIFFIN. Mr. President, I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, there are two matters involved in this question. It is a usual matter to mix them up. They should not be mixed up. There is no question that the President under the doctrine of the separation of powers has the power to protect the confidentiality of documents. That is so plain when we read the authorities that it is not open to question.

Then we move into the next category, that of executive privilege. Which of these items which are classified confidential must the President make available upon process issuing from either the legislative branch or the judicial branch? That is the doctrine of executive privilege. It does not depend upon confidentiality at all. It has nothing to do with that.

Mr. President, we ought to keep those two categories separate and apart from each other, because classified information is often supplied to congressional committees, to Congress, to the Senate, and to the House of Representatives. The mere fact of classification by itself does not cut off the basis for withholding information from a committee of the Congress. Conversely, documents bearing no relation to national security may properly be made the subject of executive privilege.

What Representative Nixon was saying in 1948 had to do with the question of executive privilege and not with the separation of power to classify and protect material that is confidential or pertinent in his judgment.

So, we have to get those concepts separated. It is easy to fall into general language.

Mr. President, I am sorry. I wish that I were temporarily a Member of the House so that I could have the privilege of extending my remarks.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional minute.

Mr. HRUSKA. Mr. President, it is upon the basis, Mr. President, of the assumption and not only the assumption, but also the history of this country for almost 200 years, that the President has that power to classify documents and also has the power of executive privilege. It is upon that basis that the Congress passed the Atomic Energy Act, the Espionage Act contained in 18 U.S.C., 792–798, and also the Freedom of Information Act.

There Congress undertook to impose penalties. If a person entrusted with documents or in lawful possession of documents violated that trust, they could be subject to a penalty up to $10,000 fine and up to 10 years in jail.

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

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator from Nebraska 1 additional minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 additional minute.

Mr. HRUSKA. Mr. President, those are severe penalties. They not only extend to whoever has possession and violates the law in divulging it or who has control, but it is even that person who has knowledge that the document is stolen and does not report it that the penalty applies to. It also applies to persons who engage in a conspiracy, two or more persons, and if one of those persons engages in an act that effects the conspiracy, then both of them are guilty of the conspiracy charge.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, this is much too limited a time in which to pursue this subject.

Mr. HRUSKA. It is, indeed.

Mr. FULBRIGHT. Mr. President, I only wish to say that this clear-cut distinction often becomes confused. That is the question of whether we could properly classify as against the public and the members of the executive whether or not that is also a proper classification of executive privilege vis-a-vis Congress.

I do not think the Senator can find in the Constitution any reference to executive privilege, and the original historical reason was something closely identified with the President in the nature of a confidential communication between the President himself and a confidential secretary, or something of that nature.

My point is that this concept has no constitutional basis other than the immunity of the President himself. If that is accepted under the earlier understanding it should not be extended to where it applies against Congress and its constitutional responsibilities across the board, and that is what it comes down to. An agency with as little sensitivity as USIA can claim executive privilege, and that is a complete distortion of the concept. That is what I have been suggesting.

We cannot resolve it today, but if we are going to have this special committee I strongly recommend that it look into this aspect, which is far more important than stolen documents. I am not particularly interested in that aspect; it only occurs sporadically and under certain circumstances. As interpreted now, it is a block to the system.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I was one of the Senators who objected to making public the record of the secret session on the ground that if we are going to have a secret session we should have a secret session. It is so easy to have a secret session under rule XXXV of the rules of the Senate. A Senator makes a motion, the motion is seconded, and the doors are closed and we are in secret session. We see also how easy it is to disclose to the public what has been done because by majority vote, as ruled by the Parliamentarian, the minutes of what is said here can be made public. I think that is a bad rule. When we assure Senators we are going to have a secret session we actually tell them that the proceedings will be secret. If we are going to say by majority rule that we can "desecretize" the meeting—and they know very well how easy it is to "desecretize" the minutes of the meeting—for anyone wishing to make the minutes public can easily secure a majority vote to make it public. Hence, no meeting will be secret, for a majority vote will make the minutes of the meeting public.

I think the Senate should really look into the rules to see what we can do to remedy that situation. I think the better rule would be to have unanimous consent. If there were unanimous consent to make the minutes public, we would know that everyone had consented to it being done. If there were a majority vote only, then those who did not vote for the motion have been forced to have whatever is said made public. This should not be.

There will be a motion before the Senate to make the minutes public. I will not object because in objecting, the consent will not be unanimous, as nothing has been said which is detrimental to the national interest, I will not object to making public the minutes of this meeting.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the notes of today's proceedings be transcribed and that the original transcript be placed in my hands; that a copy of that transcript be placed in the hands of the assistant Republican leader, that those two copies remain in the two respective offices until 3 o'clock tomorrow, during which time Senators may examine them, and those who participated in the debate may edit them with respect to grammar and clarification; that the transcripts of the closed sessions on Tuesday also remain in those two respective offices until 3 o'clock tomorrow to permit Senators to further examine them; and that the proceedings of the three closed sessions—the two closed sessions Tuesday and the closed session today—be printed in the RECORD of Friday of this week.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, may I hear the request?

The PRESIDING OFFICER. Will the Senator restate his request?

Mr. ROBERT C. BYRD. Mr. President, how much additional time do I have?

The PRESIDING OFFICER. The Senator has less than 1 minute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Official Reporters' notes of today's closed session be transcribed; that the transcript be placed in the hands of each of the two assistant leaders, that those transcripts not leave their offices; that any Senator may examine those transcripts in those two respective offices until 3 o'clock tomorrow; that as of 3 p.m. tomorrow those two transcripts, together with the transcripts of Tuesday's two closed sessions be returned to the Official Reporters; that the proceedings of the three closed sessions then appear in the RECORD on Friday, May 5, 1972; and that the injunction of secrecy thereon be lifted as of the close of business tomorrow or as of 5 p.m. tomorrow, whichever is the later.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLOTT. Mr. President, I would like the RECORD to show for the Senator from Colorado that he was present at the time of the unanimous-consent request and did not object.

The PRESIDING OFFICER. The RECORD will so show.

Mr. COOK. Mr. President, I wish to make the same request for the RECORD. I intended to reserve the right to object and asked the Senator to make that in the form of a motion because I think it is important to put this in the RECORD, and conceivably it should be voted on. However, because of the lateness of the day I wish to have the RECORD show that the Senator from Kentucky was in attendance today, that I did not object to the request, and that had it been put to vote the Senator from Kentucky would have voted yea.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I would like the RECORD to show that I am present and did not object.

Mr. PASTORE. Mr. President, I think a Democrat should say the same thing. I make the same request.

Mr. CRANSTON. The Senator from California makes the same request.

Mr. GRAVEL. Mr. President, the Senator from Alaska makes the same request.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair act on each request.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

Mr. CASE. I make the same request.

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

Mr. BROOKE. Same request.

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

Mr. FULBRIGHT. Same request.

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

Mr. BOGGS. Mr. President, I make the same request.

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

Mr. BELLMON. Mr. President, the same request.

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

Mr. DOLE. Mr. President, I make the same request.

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

Mr. AIKEN. Mr. President, does not the RECORD already show that 52 Members of the Senate were present?

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the publication of the closed sessions' proceedings in Friday's RECORD, the proceedings with respect to Tuesday's closed session appear in the permanent RECORD in the appropriate place in that day's RECORD, and that the proceedings of today's closed session appear in the appropriate place in the permanent RECORD of Thursday, May 4, 1972.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. One precautionary word: the injunction of secrecy remains upon all of us until the close of business tomorrow or 5 p.m. tomorrow, whichever is the later.

I thank all Senators for their patience.

The PRESIDING OFFICER. The Chair hears no objection.

STATEMENT ON VOTES

Mr. SPONG subsequently said: Mr. President, I was present at the beginning of the closed session on this past Tuesday but left to return to my home in Portsmouth to vote in the local election on that day. Subsequent to my departure two procedural votes were taken. Had I been present and voting, I would have voted against returning to open session and against adjourning, and I would like the RECORD to so indicate. I approve of the Senate's action in making the proceedings of the Senate public for both Tuesday's closed sessions and the closed session of yesterday, Thursday.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to open legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The doors will be opened.

(At 3:30 p.m. the doors of the Chamber were opened.)

LEGISLATIVE SESSION—FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Chair lays before the Senate the unfinished business.

The legislative clerk read the bill by title, 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 PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 5 minutes, or such time thereof as he may use, to the Senator from Delaware (Mr. BOGGS).

THREAT TO BEACHES OF DELAWARE

Mr. BOGGS. Mr. President, it has come to my attention that the beaches of Delaware may soon face a serious environmental danger.

The city of Philadelphia and the State of Pennsylvania may soon grant a contract which could result in the dumping of 1,800,000 cubic yards of sewage sludge near our Delaware beaches.

I might point out that 1,800,000 cubic yards of sewage sludge would fill Philadelphia's new Veterans Stadium to the brim several times. That is how much sludge may be dumped on the clam beds, the fishing grounds, and, potentially, the beaches of southern Delaware.

The sludge would be pumped off of 100 acres of lagoons in preparation for the construction of Interstate Highway 95 south of Philadelphia.

This area, where Philadelphia dumped sewage sludge from one of its treatment plants for a number of years, could also serve as the site for any bicentennial exposition.

There are a number of potential disposal techniques under consideration when bids are accepted: One would involve burning; another involves converting it into fertilizer; a third technique would call for land disposal; the fourth alternative, of course, would be ocean disposal.

While the city of Philadelphia has apparently withdrawn the contract specifications for redrafting, I am disturbed over press reports quoting city officials as saying the sludge will probably go to sea.

The Senate wisely passed an effective and important ocean dumping bill late last session. It is unfortunate that a conference committee has not yet resolved differences with a similar House bill, so that the legislation could be sent to the President.

I say "unfortunate," because such legislation would, for the first time, create a rational method for evaluating the potential environmental damage of ocean disposal of wastes. If such disposal were damaging, under the Senate bill, it could not take place. If it were judged not to be damaging, a permit could be issued for the dumping.

While there is now no effective law to prevent the dumping of this sludge in the Atlantic, I believe the environmental impact of this propoced work should be carefuly evaluated before any work begins.

I have today written to Transportation Secretary John Volpe, expressing my hope that such an environmental study can be made, since Federal highway dollars may have a catastrophic effect on Delaware's environment.

I know that Mr. Volpe's Department is well aware of this situation, and they will be working hard to assure that this does not happen. However, the only way that this can be assured would be to require an environmental impact statement, allowing full public scrutiny of the decision by Philadelphia and Pennsylvania.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, and for other purposes; and

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government.

The enrolled bills were subsequently signed by the President pro tempore.

BLACK LUNG BENEFITS ACT OF 1972—CONFERENCE REPORT

Mr. RANDOLPH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (S. REPT. No. 92–780)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from is amendments numbered 8, 30, 32, 33, 41, 48, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 37, 38, 42, 44, 45, and 47, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(5) In the case of the dependent parent or parents of a miner whose death is due to pneumoconiosis, or of a miner who is receiving benefits under this part at the time of his death, or of a miner who was totally disabled by pneumoconiosis at the time of death, and who is not survived at the time of his death by a widow or a child, or in the case of the dependent surviving brother(s) or sister(s) of such a miner who is not survived at the time of his death by a widow, child, or parent, benefits shall be paid under this part to such parent(s), or to such brother(s), or sister(s), at the rate specified in paragraph (3) (as if such parent(s) or such brother(s) or sister(s), were the children of such miner). In determining for purposes of this paragraph whether a claimant bears the relationship as the miner's parent, brother, or sister, the Secretary shall apply legal standards consistent with those applicable to relationship determination under Title II of the Social Security Act. No benefits to a sister or brother shall be payable under this paragraph for any month beginning with the month in which he or she receives support from his or her spouse, or marries. Benefits shall be payable under this paragraph to a brother only if he is

"(1) (A) under eighteen years of age, or

"(B) under a disability as defined in section 223(d) of the Social Security Act which began before the age specified in section 202(d)(1)(B)(ii) of such Act, or in the case of a student, before he ceased to be a student, or

"(C) a student as defined in section 402(g); or

"(2) who is, at the time of the miner's death, disabled as determined in accordance with section 223(d) of the Social Security Act, during such disability. Any benefit under this paragraph for a month prior to the month in which a claim for such benefit is filed shall be reduced to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior months. As used in this paragraph, 'dependent' means that during the one year period prior to and ending with such miner's death, such parent, brother, or sister was living in the miner's household, and was, during such period, totally dependent on the miner for support. Proof of such support shall be filed by such claimant within two years after the month in which this amendment is enacted, or within two years after the miner's death, whichever is the later. Any such proof which is filed after the expiration of such period shall be deemed to have been filed within such period if it is shown to the satisfaction of the Secretary that there was good cause for failure to file such proof within such period. The determination of what constitutes 'living in the miner's household', 'totally dependent upon the miner for support,' and 'good cause,' shall for purposes of this paragraph be made in accordance with regulations of the Secretary. Benefit payments under this paragraph to a parent, brother, or sister, shall be reduced by the amount by which such payments would be reduced on account of excess earnings of such parent, brother, or sister, respectively, under section 203(b)-(1) of the Social Security Act, as if the benefit under this paragraph were a benefit under section 202 of such Act."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement with the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

On page 4, line 14, of the Senate engrossed amendments strike out "child" and insert ", child".

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement with the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

On page 7, line 1, of the Senate engrossed amendments, strike out "(3)" and insert "(C)".

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement with the amendment of the Senate numbered 34, and agree to the same with amendments, as follows:

On page 9 of the Senate engrossed amendments, beginning with line 21, strike out all through line 4 on page 10.

On page 10 of the Senate engrossed amendments, strike out line 5 and insert "Sec. 4. (a) Section 402(f) of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:".

On page 10, line 17, of the Senate engrossed amendments, strike out "(c)" and insert "(b)".

On page 11, line 1, of the Senate engrossed amendments, strike out "(d)" and insert "(c)".

On page 12, line 6, of the Senate engrossed amendments, strike out "(e)" and insert "(d)".

On page 12, line 14, of the Senate engrossed amendments, strike out "(f)" and insert "(e)".

On page 12, line 19, of the Senate engrossed amendments, strike out "(g)" and insert "(f)".

On page 13, line 7, of the Senate engrossed amendments, strike out "(h)" and insert "(g)".

On page 7, line 18, of the House engrossed bill, strike "4" and insert in lieu thereof 5.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement with the amendment of the Senate numbered 35, and agree to the same with amendments, as follows:

On page 7, line 20, of the House engrossed bill, strike out " "1971" " and insert "December 31, 1971".

In lieu of the matter proposed to be inserted by such amendment insert "June 30, 1973",.

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment and—

On page 8, line 4, of the House engrossed bill, delete " 'nine'." and insert in lieu thereof "twelve",.

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with amendments as follows:

On page 13, line 19, of the Senate engrossed amendments, strike out "(4)" and insert in lieu thereof "(5)".

On page 14, line 3, of the Senate engrossed amendments, strike out "fourth" and insert in lieu thereof "sixth."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement with the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

On page 16 of the Senate engrossed amendments, strike lines 4 and 5 and insert in lieu thereof "pneumoconiosis. No person shall cause or attempt to cause an operator"

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

On page 18, line 12, of the Senate engrossed amendments strike the period and insert in lieu thereof a colon and the following: "*Provided*, That for the purpose of determining the applicability of the presumption established by section 411(c)(4) to claims filed under Part C of this title, no period of employment after June 30, 1971, shall be considered in determining whether a miner was employed at least fifteen years in one or more underground mines."

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement with the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

On page 19, line 8, of the Senate engrossed amendments, strike out "7" and insert "6".

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement with the amendment of the Senate numbered 51, and agree to the same with amendments, as follows:

On page 19, line 21, of the Senate engrossed amendments, strike out "8" and insert "7".

On page 20, line 7, of the Senate engrossed amendments, strike out "January" and insert "July".

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement with the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

On page 21, line 22, of the Senate engrossed amendments, strike out "9" and insert "8".

And the Senate agree to the same.

HARRISON A. WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ADLAI E. STEVENSON III,
HAROLD E. HUGHES,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
BOB PACKWOOD,
ROBERT TAFT, Jr.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

CARL D. PERKINS,
JOHN H. DENT,
ROMAN C. PUCINSKI,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying or conforming changes: 1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 33, 38, 41, 47, 48, and 49.

With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

Amendment No. 2: Both the House bill and the Senate amendments provided benefits for orphaned children of miners who died from pneumoconiosis or who were receiving benefits at the time of death.

The Senate amendment added orphaned children of miners who were totally disabled by pneumoconiosis, permitted such children to take benefits where the miner's widow survives him and then dies, and limited the child's entitlement to benefits in such cases to months in which the widow's entitlement is not established. The House recedes.

Amendment No. 5: The Senate amendment permitted dependent parents of a deceased eligible miner to succeed to such miner's benefits if there is no surviving widow or child. If there is no surviving dependent parent, surviving dependent brothers and sisters may succeed to such miner's benefits. Under the Senate amendment, dependent parents, brothers or sisters must have received at least one half of their support from the miner for at least one year prior to his death. The House bill contained no such provision.

The House receded with an amendment that provided that in order to qualify for benefits, parents, brothers and sisters must have been wholly dependent on the miner and must have resided in the miner's household for one year prior to the miner's death. The amendment provided further that in the case of a surviving brother, he would not receive benefits after the age of 18, or if a student, after age 22, unless the surviving brother became disabled before the age of 18 or was disabled at the time of the miner's death. In the case of a surviving sister or brother, the amendment provided that no benefits would be paid to her or him if he or she married or received support from his or her spouse.

The House amendment also removed language in the Senate version specifically requiring the Secretary to apply the relevant State or District of Columbia intestate succession law in determining whether a claimant is a parent, brother, or sister of a miner. The conferees concluded that the Social Security Administration generally refers to such intestacy laws in making such determinations.

Amendment No. 8: The Senate amendment permitted dependent children to file claims for augmented benefits in their own right where necessary. The House bill did not contain such a provision. The Senate recedes. The conferees concluded that the objective of the Senate amendment could be achieved through regulations issued by the Secretary of Health, Education, and Welfare.

Amendment No. 27: Both the House bill and the Senate amendments limited the time for filing by a child. The House bill limited such time to six months after the death of the surviving parent or December 31, 1972, whichever is later. The Senate amendment extended the date certain to December 31, 1973. The House recedes.

Amendment No. 30: The Senate amendments made the provisions of section 1 of the bill retroactive to December 30, 1969, except as otherwise provided therein. The House bill contained no such provision. The Senate recedes.

Amendment No. 32: The House bill required the elimination of the practice of offsetting social security disability insurance benefits of certain miners where the claimant also receives black lung benefits. The Senate amendments limited such offsetting to 100 percent of former earnings. The Senate recedes.

Amendment No. 34: The Senate amendments:

(1) altered the definition of "pneumoconiosis" to include the sequelae of the disease. The Senate recedes. The conferees understand that in the administration of the program benefits are now provided for total disability due to the sequelae of pneumoconiosis, such as cor pulmonalae.

(2) altered the definition of "total disability" to provide that a miner is totally disabled when pneumoconiosis prevents him from engaging in gainful employment requiring skills comparable to his regular work in a mine. The House bill contained no such provision. The House recedes.

Questions were raised during the conference regarding the Senate language on total disability and whether it expanded the definition so as to include any miner who could no longer perform work in the coal mines. The House receded on the understanding that under the Senate language it is not intended that a miner be found to be totally disabled if he is in fact engaging in substantial work involving skills and abilities closely comparable to those of any mine employment in which he previously engaged with some regularity and over a substantial period of time, or if it is clearly demonstrated that he is capable of performing such work and such work is available to him in the immediate area of his residence.

Once a claimant qualifies as totally disabled, any money he earns at gainful employment will be subject to the excess earnings test in section 412(b) of this Act.

(3) Added to the benefit criteria of section 411(a) to permit payment of benefits where a miner was totally disabled by pneumoconiosis at the time of his death. The House bill contained no such provision. The House recedes.

(4) Added a new paragraph (4) to section 411(c) which established a rebuttable presumption of pneumoconiosis where a miner was employed fifteen or more years in a mine, where a chest roentgenogram is interpreted as negative but where such miner has or had a totally disabling respiratory or pulmonary impairment. The Secretary may rebut such presumption by establishing the absence of pneumoconiosis or by establishing that such impairment did not arise out of, or in connection with, employment in a coal mine. A miner who was in whole or in part employed in other than an underground mine may establish this presumption if his conditions of employment were substantially similar to conditions in an underground mine.

The House bill did not contain such a provision.

The House recedes. See Amendment No. 46 concerning the application of these provisions under Part C.

(5) Required final regulations with respect to implementation of amendments to title IV to be promulgated by the Secretary of HEW by the end of the fourth month after enactment. The House bill contained no such provision. The House recedes.

(6) Required compensation laws on the Secretary of Labor's list to have standards for determining death or total disability due to pneumoconiosis which are substantially similar to those in section 402(f) and others under part B. The House bill contained no such provision. The House recedes.

(7) Contained a provision prohibiting the denial of a claim solely on the basis of the results of a chest roentgenogram and also required the consideration of all relevant evidence, including tests, history and affidavits, in establishing the validity of a claim.

The House bill also contained a provision prohibiting the denial of a claim solely on the basis of a chest roentgenogram, but did not

contain the other provisions. The House recedes.

Amendments No. 35, 36, and 37: The House bill extended full Federal financial responsibility under part B for two years, while the Senate amendments extended such responsibility for one year. The conferees agreed to extend full Federal financial responsibility for new claims for eighteen months. Temporary financial responsibility of the Federal Government has been shifted from the year 1972, as provided in existing law, to the six-month period beginning July 1, 1973, and ending December 31, 1973.

Amendment No. 39: The House bill extended the termination date of part C for two years. The Senate amendment made the program permanent. The Senate recedes with an amendment terminating responsibility for new claims under part C of the program as of December 30, 1981, or an extension of five years beyond existing law. For claims filed on or before December 30, 1981, responsibility under part C will continue beyond that date.

Amendment No. 40: The Senate amendments required that final regulations under part C to implement any amendments thereunder be promulgated and published no later than the end of the fourth month following enactment. The House bill contained no such provision. The Senate recedes with an amendment requiring publication no later than the end of the sixth month following enactment.

Amendment No. 42: The Senate amendments authorized the construction, purchase, and operation of clinical facilities for the analysis, examination, and research related treatment of miner's occupational respiratory and pulmonary impairments. The new section required research to be initiated within the National Institute of Occupational Safety and Health to devise tests to measure, detect and treat miner's respiratory and pulmonary impairments. Appropriations for clinical facilities were authorized at $10 million for each of the three fiscal years 1973, 1974, and 1975, and such sums as are necessary for research. The House bill contained no such provision. The House recedes.

Amendment No. 43: The Senate amendments added a new section 428 to title IV which prohibits discrimination by an operator against any miner employed by him solely by reason of the fact that such miner has pneumoconiosis or other respiratory or pulmonary impairment. Investigation, hearing and enforcement procedures by the Secretary of the Interior, were included. The section also contained a provision requiring compensation of hearing examiners at a rate not less than GS–16.

The House recedes with an amendment which omits the reference to other respiratory or pulmonary impairments.

The conferees note the appropriate jurisdictional concerns of the Post Office Civil Service Committees of both Houses in this matter, and reluctantly adopted the provision only out of a desire to avert an imminent personnel crisis arising from the existing disparity in the compensation of hearing examiners at the Department of Interior and other Federal agencies. This provision will eliminate the disparity.

Amendment No. 44: The Senate amendments added a new section 429 to authorize appropriations in such sums as are necessary to enable the Secretary of Labor to carry out his responsibilities under title IV. The House bill contained no such provision. The House recedes.

Amendment No. 45: The Senate amendments included an amendment to section 422(a) which requires employers to provide medical benefits to employees under part C. It also required State compensation laws to include such a requirement in order to qualify as adequate under Part C. The House bill contained no comparable provision. The House recedes.

Amendment No. 46: The Senate amendments added a new section 430 to apply all appropriate amendments in part B to part C. The House bill contained no such provision. The House recedes with an amendment which provides that with respect to the rebuttable presumption of section 411(c)(4), such presumption shall only apply for purposes of part C, where the fifteen years employment in a coal mine occurred entirely before July 1, 1971.

The conferees further agree that the elimination of the social security disability insurance offset provision shall not apply to part C.

The conferees note specifically that the provision relating to the prohibition against the denial of a claim solely on the basis of the results of a chest roentgenogram, among other amendments made to part B, applies to part C.

Amendment No. 50: The Senate amendments required the Secretary of HEW to inform claimants under title IV of the changes in the law made by the Black Lung Benefits Act of 1972 and to advise them that their claims will be reviewed. The House bill contained no such provision. The House recedes.

Amendment No. 51: The Senate amendments added a new provision to part B under which the Secretary of Labor is to pay benefits and process claims during the period from July 1, 1973 to December 31, 1973, utilizing the procedures of Section 19 of the Longshoremen's and Harbor Worker's Compensation Act. In processing such claims, potentially liable operators are to be notified and allowed to participate. Operators will be bound under part C on any claim determined under this section. The House bill contained no such provision. The House recedes. It is noted that Section 21 of the Longshoremen's and Harbor Worker's Compensation Act provides for judicial review of awards rendered pursuant to Section 19 of the Act.

Amendment No. 52: The Senate amendments added a limitation on claims filed under part C where eligibility of such claims is based on the rebuttable presumption of section 411 (c) (4). A living miner must in such cases within three years after last exposed employment and in the case of a deceased miner such claims must be filed within fifteen years after last exposed employment in a coal mine. The House bill contained no such provision. The House recedes.

HARRISON A. WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ADLAI E. STEVENSON III,
HAROLD E. HUGHES,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
BOB PACKWOOD,
ROBERT TAFT, JR.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.
CARL D. PERKINS,
JOHN H. DENT,
ROMAN C. PUCINSKI,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
Managers on the Part of the House.

The PRESIDING OFFICER. The time for debate is limited to 1 hour, with 30 minutes under the control of the Senator from West Virginia (Mr. RANDOLPH) and 30 minutes under the control of the Senator from New York (Mr. JAVITS).

Who yields time?

Mr. RANDOLPH. Mr. President, I yield myself such time as I may desire.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it is with understandable satisfaction that I come into the Senate Chamber to speak on behalf of the Senate conferees on H.R. 9212 and announce to our colleagues that all members of the Senate conference committee have agreed to the conference report on this legislation, the amendments to the Coal Mine Health and Safety Act of 1969, title IV, known as the Black Lung Benefits Act of 1972.

Mr. President, following 2 days in the conference with the managers on the part of the House, we reached an agreement on this important legislation. I do not use the term lightly when I say that "historic" is a word that, in my opinion, can be appropriately used to describe this legislation. Why do I say that to my colleagues? Because, Mr. President, we will, with this measure, bring assistance to disabled coal miners in this country, who have sacrificed, in many instances, their health, and lives in a dedication of their working efforts to the extraction from the earth of that substance—coal—which has been of such extreme importance to fueling and energizing the vast industrial complex of this country over a period of years. Having sponsored the original black lung benefits provision contained in the Coal Mine Health and Safety Act, I know how important this new measure will be to our miners and their families.

I referred, as my colleagues will remember, when we passed our Senate bill on April 17 in this body by a vote of 73 to 0, to the tremendous contribution of these men, as well as the owners of the industry who employ the miners, because coal represents about 54 percent of the thermal power under which this Nation has been able to move forward in its many aspects from the standpoint of electricity and power, not only for our great manufacturing establishments, but for the very operation of life itself.

I think not only of these disabled miners, but also I think it is important for us to speak of their dependents, and the survivors of deceased miners. I feel that there is a significant measure of equity and justice which is being written into law by the Senate of the United States and hopefully by Congress, with the House acting, I trust, in a matter of days, on the conference report. Also, I am very, very hopeful that the President of the United States will sign this legislation when it comes before him, having been agreed to in the Senate and the House of Representatives.

I had the privilege of managing the Senate bill, that is, our own version of H.R. 9212. As my very knowledgeable colleague, the Senator from New York (Mr. JAVITS) who is in the Chamber and who has taken such an active and constructive role in this whole effort since 1969 and until this very hour, will recall, on the date this body gave its stamp of approval, even though there was opposition from the administration and opposition from the industry, there was no lack of unanimity here. There was, I repeat, a rollcall vote of 73 to 0 for that measure.

The Senator from Ohio (Mr. TAFT) is also in the Chamber this afternoon. His activity, within the subcommittee and within the Committee on Labor and Public Welfare, was of an equally constructive nature. He had many questions that had to be resolved in his mind, and yet he, as well as all the rest of us on behalf of the Senate, signed the conference report.

It is my conviction—a very strong conviction, Mr. President—that what we have done in conference is what should be enacted. There were certain compromises in certain respects to the House-passed measure, but what we have done—and it is very important to state this in a very earnest way—is to preserve nearly all the improvements to title IV of the Federal Coal Mine Health and Safety Act, made by the Senate measure enacted here on April 17. Additionally, the final version of H.R. 9212 embodies the basis thrust and concepts contained in S. 2675, which I introduced last year.

I shall now undertake to outline for my colleagues those provisions of H.R. 9212 which were the same in both the House and the Senate versions, as well as to briefly outline the points of difference which were compromised. Both bills, Mr. President, extended title IV benefits coverage to orphan children, with such coverage made retroactive to December 30, 1969. That was the date of enactment, as Senators will recall, of the original program of black lung benefits.

In the second instance, both the House and Senate bills extended coverage to disabled miners other than those who had worked in the underground mines.

Third, the denial of claims based solely on the results of a chest X-ray is prohibited in both measures.

Fourth and last, the House bill and the Senate amendments provide that the Secretary of Health, Education, and Welfare may certify dependents' benefits directly to dependents where it is deemed advisable and desirable to do so.

Aside from the provisions which I have just outlined, H.R. 9212 as passed by the House of Representatives differed considerably from our measure. Under the current law, no payments of benefits under part C of title IV are required to be paid after 7 years following the date of enactment of the Coal Mine Health and Safety Act. This means, I say to my colleagues, that the program will, unless modified, terminate on December 30, 1976. The House bill extended this termination date by 2 years, to December 30, 1978. The Senate measure eliminated the termination date entirely, thus making the program a permanent one.

In the committee of conference, we agreed to a provision which terminates responsibility for the new claims that are filed under part C on December 30, 1981. However, all claims filed prior to that date and approved for payment would be paid for life.

The existing law requires that Federal responsibility for new claims terminate on December 31, 1972. The House bill would have extended this responsibility for 2 years, until December 31, 1974. The Senate, based on the very persuasive arguments set forth by the Senator from New York and others who joined him in that belief, agreed upon only a 1-year extension. The conference agreement—as the very knowledgeable and able Senator from Pennsylvania (Mr. SCHWEIKER) who is now with us knows—provides not for 1 year, as passed by the Senate, not for 2 years, as passed by the House, but for a so-called compromise extension of 18 months. But, we cut the so-called "swing" or "transition" period from 1 year to 6 months. Therefore, under part C, claims which are to be filed with State workmen's compensation agencies and paid by coal mine operators will actually begin as in the Senate bill on January 1, 1974.

The black lung benefits program is now being interpreted by the Social Security Administration as a workmen's compensation plan. It was not so intended by Congress in 1969. Thus, where a beneficiary, under title IV of the Coal Mine Health and Safety Act of 1969, is receiving social security disability insurance benefits and black lung benefits, the social security payments are reduced by any amount by which the combination of benefits exceeds 80 percent of the average miner's current earnings prior to his disability. The House bill completely eliminated this so-called "offset" provision to permit the full amount of both benefits to be collected. The Senate bill limited the offset to 100 percent of average current earnings. I might say that the bill I introduced last October, S. 2675, like the House bill, eliminated the offset provision entirely. The Senate conferees agreed to the House position.

Total disability under existing law is determined according to regulations of the Secretary of Health, Education, and Welfare. Thus, if a disabled miner has the capacity to work at any job, no matter how menial or far away from his home, he is not now considered to be totally disabled, and is, therefore, not eligible for black lung benefits. The House bill did not change existing law. The Senate bill established a new criterion for total disability which is more in line with reality. If pneumoconiosis prevents a miner from engaging in gainful employment requiring skills comparable to his work in a mine, he will be considered totally disabled. If such miner is in fact doing such work, or if it is clearly demonstrated that such work is available to him in the immediate area of his residence, he will not be considered totally disabled. The conferees accepted the Senate provision.

One of the most prevalent complaints against existing law and its interpretation made by witnesses during hearings held by our Subcommittee on Labor involved the inability of miners or their widows to establish the existence of black lung, even though the miner was clearly totally disabled. The House and Senate bills did, as I noted earlier, eliminate sole reliance on the X-ray. The Senate bill further provided that where a miner worked 15 years or more in an underground coal mine, or in comparable conditions on the surface, where such miner had a negative X-ray and where such miner had a totally disabling respiratory or pulmonary impairment he is given the benefit of a rebuttable presumption that he was disabled due to pneumoconiosis. The alteration made by the conference committee limited such claims under part C to those in which the 15 years of work took place prior to July 1, 1971.

Existing law limits beneficiaries to miners, their widows, and children. The House bill and Senate bills extended benefits to orphans. The Senate bill, and the conference measure, extends such benefits, where there is no widow or child who survive the miner, to wholly dependent parents. If there are no such parents, then benefits may accrue under certain conditions to wholly dependent brothers and sisters, if any.

Under existing law a widow, if she is to claim black lung benefits, must show that her miner husband died from black lung or a respiratory disease. The House bill did not propose a change in the law. The Senate bill, which was acceptable to the conferees, provided that a widow may also claim benefits if her husband was totally disabled by pneumoconiosis at the time of his death. Thus, if the miner was so disabled, the widow may claim benefits regardless of the cause of death.

The current law, in effect, limits evidence which may be used to support a claim for benefits to the X-ray. As previously mentioned, both the House and Senate bills eliminated sole reliance on the X-ray. The Senate bill, in addition, includes other evidence such as additional medical tests, affidavits, and clinical and work history to support a claim; this provision was accepted by the conference committee.

Not in the House bill nor in the existing law is a provision adopted in the Senate and accepted in conference that applies all sections of part B, including any amendments to the act, to part C, where such provisions are appropriately applied. The only provision of part B not applicable to part C is that related to the offset of social security disability benefits. The applicability to part C of the rebuttable presumption as noted earlier is also limited to situations where work in the mines took place prior to July 1, 1971.

Another provision of the Senate bill which was adopted in conference authorized the Secretary of Health, Education, and Welfare to build clinical facilities for the diagnosis and treatment of lung ailments in coal miners. The provision also authorized research to devise simplified tests to measure lung impairments in miners.

Also agreed to in conference was a Senate provision not contained in the House bill which prohibits discrimination by an operator against any miner employed by him because such miner has pneumoconiosis. Applicability of this provision to breathing impairments other than pneumoconiosis was deleted at the insistence of the House conferees.

Several other provisions of the Senate version of H.R. 9212 were adopted in conference. These include a section which eases the complications of filing claims during the transition period between part B or part C by requiring the Secretary of Labor to pay claims filed in that period and to assure that operators are bound

by claim determinations made during that period. This provision is designed to insure uninterrupted payment of benefits when part C goes into effect.

In other sections of the conference bill, the Secretary of Health, Education, and Welfare must notify all claimants under title IV of changes in the law, and that their claims will be reviewed; regulations with respect to the new law must be promulgated by the Secretary of HEW by the end of the fourth month after enactment, and by the Secretary of Labor within 6 months; claims filed under part C which rely on the rebuttable presumption must be filed within 3 years after last exposed employment in a coal mine in the case of a living miner, or within 15 years after such employment in the case of a deceased miner.

Other miscellaneous provisions of the conference measure authorize appropriations to the Secretary of Labor; require employers to provide medical benefits to employees under part C; and limit the definition of pneumoconiosis with the understanding that the sequelae of the disease are now compensable under administrative regulations.

Mr. President, I am deeply pleased with H.R. 9212 as it now comes before the Senate. It is landmark legislation. It is a measure which the Congress can look to with pride and a sense of great accomplishment.

I want to offer my sincere thanks for a job well done to the managers on the part the House. I single out for special commendation the astute chairman of the Education and Labor Committee, Representative CARL PERKINS, who performed so ably the task of conference committee chairman. My appreciation goes also to Representative JOHN DENT and Representative PHILLIP BURTON and to the other House conferees who, even though they may have disagreed with the final conference bill, cooperated fully in the work of the conference.

The Senate conferees, comprised of the Subcommittee on Labor of the Committee on Labor and Public Welfare, showed intense interest and dedication to the development of this legislation. I want especially to commend the deep personal interest and cooperation of my colleagues, Senators JAVITS, SCHWEIKER, TAFT, and STAFFORD, and the absolutely essential assistance of the chairman of the committee, Senator WILLIAMS.

Without the very substantial help of these able and valued Members of the Senate and their staffs, the Black Lung Benefits Act of 1972 would not have been possible.

Finally, I want to thank the coal miners, their widows and their families for their indulgence in waiting for this urgently needed legislation. I know that this legislation will in some measure ease their very heavy burdens. The Nation owes these proud people of the coal fields a debt. H.R. 9212 will help pay that debt.

Mr. President, I know that Senators who were conferees have certain commitments. Perhaps at this point it would be best, if agreeable to and desired by the Senator from Ohio, who has been very helpful and cooperative on this measure, that I yield the floor and give him an opportunity to speak.

Mr. JAVITS. I yield 5 minutes to the Senator from Ohio.

Mr. TAFT. I thank the Senator from New York, and I thank the Senator from West Virginia, the able chairman of the subcommittee, who has done an exemplary job in moving this rather technical and difficult measure to this point of success.

There are certain areas in which I do not agree entirely with the result of the conference, as set out in the minority views attached to the committee report when it was filed. However, I do feel that this is an essential piece of legislation and one which is fair in every way to those who have been affected by this tragic affliction.

I have made known my views with regard to where the burden for payment for this should lie, both in the past and in the future. Having put those views in the RECORD, I will not repeat them here.

Mr. President, every time we send a man into the mines for coal we are asking him to risk his health and even his life in order that we may have heat, electric power, and industrial production. Without America's coal miners our cities would be dark and our industries would come to a stop. Our country owes a great debt to these men many of whom have sacrificed their health in order that we may continue our high standard of living.

The Black Lung Benefits Act of 1972 recognizes the sacrifice of our Nation's coal miners. It recognizes the injustice of having crippled men denied benefits solely because their disease could not be detected by an X-ray. Yet the evidence is clear from autopsies that approximately 25 percent of black lung cases do not show up in X-rays. At the present time, men who have been crippled for life working in our Nation's coal mines are unable to collect, because of the way in which the existing law has been drafted. It is absolutely vital, in my judgment, that this measure be adopted and I hope that my colleagues will support it.

With regard to the conference report, I very much regret that the conferees have relieved the coal mine operators of their responsibilities for an additional period of 18 months. Under traditional workmen's compensation principles, the companies should bear the cost of this program. Under the 1969 law, they would have had to assume this obligation in 1973, yet this bill keeps them out of responsibility for payment for an additional period of 18 months.

Many of the companies which will be the principal beneficiaries are among the largest in America.

At a time when our budget is running a massive deficit, there is questionable justification for having the American taxpayers relieve these corporations of responsibility to their coal mining employees.

Despite my objections to this provision, however, I strongly support this bill. Failure to pass it would be a cruel setback for America's coal miners and retired coal miners who so desperately need its passage.

Mr. JAVITS. I yield myself 3 minutes.

Mr. President, I feel that this matter should be put into focus for the Senate.

The fact is that if there had been effective workmen's compensation laws to take care of the disability imposed on miners, because of their hazardous occupation through the inhalation of coal dust, we would not be here and we would not have been here before, when the bill was passed.

It is interesting to note the consequences of the improvidence of both the States and the industry. The cost to the industry is likely to be, before we are through with this bill, approximately $2 billion. We calculate that the cost of the conference bill to the United States could run approximately $4 billion. All this because of the accumulated injustice of not having adequate workmen's compensation laws on the books for years and years and years and the essentiality of coal production in the interest of the country and the fact that the country has a moral responsibility to the miners who produce this coal at such peril to themselves. That is the first thing to note, Mr. President.

Second, we must note that this is a unique situation, and it is no precedent for other industries which may be impacted in this way or a similar way; and we have made this, for the reasons we have discussed, a case which the lawyers call sui generis. It stands on its own, because of its own state of facts.

Third, Mr. President, we tried very hard in the Senate to hold the Federal responsibility to the 1-year level, and this makes a good deal of difference in money. We calculate it would make a difference of as much as $600 million if there had been an extra year. Our problem was that the other House just could not see it that way. After a long and arduous conference, we settled it at 18 months, which adds $300 million to the Federal cost. But we must assume that the other body has as much a sense of responsibility as we. We could have held out and wrecked the bill, but that would have been deeply unjust to thousands of miners. So we did not do that, but arrived at a compromise, and one can say the same for them. They felt very strongly about the 2 years in the other body, and they, too, feel that they arrived at a compromise.

Mr. President, it should be noted in this connection that under the Senate bill part C was made permanent. As Senator RANDOLPH has explained, we finally accepted a 10-year limitation. But that is for the filing of new claims. It does not limit payment on claims filed prior to December 30, 1981.

In addition, the liberalizing amendments respecting various presumptions as to how this disease was acquired, and other changes in favor of miners, widows, children and other relatives are applicable as well to the responsibility of the mine operators.

Finally, Mr. President, it should be made known to the Senate that the heavy costs undertaken here by the Federal Government in order to do elementary justice to these afflicted miners only emphasizes and makes us even more interested in the work of the National Commission on State Workmen's Compen-

sation Laws, which is now functioning, chaired by Mr. John Burton of Illinois. Its report is due on July 31, 1972, and I hope they will recommend generic legislation which will result, assuming the report which I believe they will make, doing something about the gross inequalities and inadequacies among the States respecting workmen's compensation to which individuals may be entitled based on their earning power. There is a gross disproportion among the States, let alone, as in this case, the failure to make any provisions at all.

Mr. President, I believe that the Senator from West Virginia (Mr. RANDOLPH) who has personally given so much of his time and interest, with deep devotion, to bringing about a condition of justice for the miners and some relief for them, has really performed almost a miracle in producing this conference report so quickly, after there were so many discouragements about whether the bill could even be considered, let alone enacted into law.

I join him in expressing hope that the President will sign it. It represents, I assure the President, because I participated in every stage of the conference, the best result we could possibly obtain in the two Houses. The equity involved is so great that I would hope the President would not put us through the pain of trying to go through this again, and thus delaying justice to the miners.

Therefore I join the Senator from West Virginia (Mr. RANDOLPH) and other members of the conference committee in that hope.

Before I yield the floor, I should like to pay tribute to the Senator from Ohio (Mr. TAFT) who has just spoken, and who gave a tremendous amount of his time, attention, and help to perfecting the bill, and to the Senator from Pennsylvania (Mr. SCHWEIKER) who, like the Senator from West Virginia (Mr. RANDOLPH), has a deep, a burning, and a human interest in the miners afflicted, and who knows so many personally and whose expertise in this particular field enabled us finally to come to the conclusions we have on the bill.

I think that those concerned, especially the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Pennsylvania (Mr. SCHWEIKER), have every reason to derive enormous satisfaction in a personal as well as a representative sense from the result that has been achieved.

This is a complicated bill. I should like also to pay tribute to the staff members, Mr. Gerald Feder, counsel to the Subcommittee on Labor, Mr. Robert Humphreys, special counsel to the Committee on Labor and Public Welfare, Mr. Philip McGance, legislative assistant to Senator RANDOLPH and, on the minority side, Mr. Eugene Mittelman, minority counsel to the Committee on Labor and Public Welfare and Richard Siegal, associate minority counsel to the committee, as well as William Wickens, legislative assistant to Senator TAFT. They have done so much to make possible the result we produce today.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I wish to compliment my distinguished colleague from West Virginia, Senator RANDOLPH, and the other Senate conferees on the black lung report which is now pending before the Senate. They have done a remarkable job in their work with House conferees on this legislation, and they have done it in a commendably short time.

If this conference report is agreed to by both Houses, and if the legislation is then allowed to become law by the President, it could go a long way toward correcting the defects that existed in the Federal Coal Mine Health and Safety Act of 1969. For example, this legislation will, for the first time, extend benefits to eligible children and orphans of miners disabled or killed by pneumoconiosis. The black lung amendments, which are embraced in this legislation, also firmly establish that black lung benefits are not a form of workmen's compensation. Persons receiving the benefits will no longer see their social security benefits reduced just because they may also be receiving black lung benefits.

I hope that the Senate will adopt the conference report, and I again congratulate my colleague, Senator RANDOLPH, and the other Senates conferees on both sides of the aisle.

Mr. SCHWEIKER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the Senator from Pennsylvania such time as he may require.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I thank the distinguished Senator from New York for yielding me this time and rise in strong support of the conference report now pending before the Senate.

This is truly an historic milestone in the life of the coal miners of this country. More than 2 years ago, under the leadership of the Senator from West Virginia (Mr. RANDOLPH), we passed for the first time a bill that compensated for pneumoconiosis as an occupational disease of coal miners. This meant that those of us who utilize the energy, the fuel resources, and the power produced by those coal miners who go deep down into the bottom of the earth, were recognizing that we had a debt to see that black lung should be compensated as a work-caused disease, at the Federal level at least, because the States had not sufficiently met their obligation. This bill updates that recognition and that work so that we no longer throw the burden of proof upon the miner who has had his life and, in many cases, his lungs physically impaired by his work. Now we give him a fair day in court and a fairer and more equitable process for filing his claim and for having his claim adjudicated in a way that our first piece of legislation did not do.

We accomplished this in several ways.

First, by broadening the definition of disability, so that for those who come from the coal mining towns of Pennsylvania, West Virginia, and Kentucky, the disability definition reflects the working conditions and the working environment of their towns, since as what other work can they do in most cases if they are disabled by the occupational disease of pneumoconiosis?

Second, the bill will eliminate the X-ray as the sole test of whether a victim has pneumoconiosis. We have learned from many medical authorities that the X-ray is not infallible. In fact, it is not very accurate in detecting the early stages of pneumoconiosis. It was most unfair and unjust previously to rely solely on the X-ray as a determinant of whether a miner had that disease. So, by eliminating the X-ray as the sole determinant in denying claims, we give a much more just and a much more fairer shake to the coal miner in making this determination.

Third, to overcome some of the problems of recognizing cases of pneumoconiosis by X-ray, we have incorporated here, thanks to the Senator from West Virginia (Mr. RANDOLPH), a preliminary presumption of pneumoconiosis, that if a person has worked in the mines for 15 years and if, after that period of time, he is shown to be disabled from a pulmonary or respiratory disease, he will be presumed to have pneumoconiosis even without X-ray evidence of pneumoconiosis, unless there is medical evidence to the contrary.

That is a world of difference between the way the law is written now. It does truly mean the turning over of a new leaf, with a fairer judgment and a fairer adjudication of the claims of many coal miners who actually have the disease but cannot prove it by conventional X-ray techniques. That is, in a case where a miner cannot walk upstairs to his bed so that his bed has to be moved down into the living room on the first floor, where his heart and lungs have been affected, yet it does not show up on an X-ray, when everyone associated with him knows that he has a pulmonary disability, the only fair thing is to give this 15-year-or-more miner a presumption he has pneumoconiosis. Because we do not know, yet, enough about the disease and how to detect it other than the X-ray, or how to find the symptoms before it afflicts the miner and results in permanent, often fatal damage to him, many miners were being unfairly judged not to have the disease when, in fact, they did have it and their pulmonary functions evidenced that they did have the disease.

So the "15-year" pulmonary presumption in this bill is a very important step. Through it, we are giving the coal miners a much more even break and a much more fairer judgment whether or not he is eligible for compensation.

Thus, Mr. President, these three points, expanding the definition of disability, the pulmonary presumption, and eliminating the X-ray as the sole determinant for denying claims, will at long last, give the miners the fair shake they are entitled to in determining whether the lungs, the heart, or the body have been ravaged by the occupational disease of pneumoconiosis.

Mr. President, I want to thank the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the committee on which I serve, for his help and interest in this problem.

I maintain it not only relates to those who mine the coal in Pennsylvania, West Virginia, or Kentucky, but also to everyone who utilizes the coal, who turns on the light switch, who runs the dishwasher, who turns on the television set, who benefits materially from the human havoc and wreck that comes from coal miners producing the energy source from the bottom of the earth. The American people now are accepting their full measure of responsibility in this broadening of the law so that each and every coal miner will get a fair judgment on whether or not he did in fact suffer from this disease.

Finally, I am pleased to report on one of my own amendments, assisting a miner's parents, brothers, and sisters who were dependent on him, providing that if there were no children or wife in that particular family that black lung benefits would go to a brother, sister, or parent if he or she in fact were fully dependent prior to the death of this person although there was no similar House language, I am delighted that my amendment remained in the conference report, with only a few modifications.

Mr. President, in closing I want to say that the Senator from West Virginia (Mr. RANDOLPH), who acted as chairman of the subcommittee and chairman of the Senate conferees, who did so much to advance the cause of miners' health and miners' working conditions, and the recognition of the miners' special health problems, is to be credited with true leadership in this field. It was a pleasure to work with him on the Labor Subcommittee and also on the conference committee.

I am sure that without the guiding hand of the Senator from West Virginia and his intimate knowledge of the life and working problems of the miner, without his skillful ability in their working out of conflicts that are bound to occur in any legislation of this type between various groups whose interests are affected, and without his knowledge and experience we would not have had the very good bill and finally the conference report that we have today.

Mr. President, I rise to support the conference report and to give special commendation to our chairman the Senator from West Virginia (Mr. RANDOLPH).

Mr. RANDOLPH. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from West Virginia has 14 minutes remaining. The Senator from New York has 12 minutes remaining.

Mr. RANDOLPH. Mr. President, I am genuinely grateful to the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. TAFT), and the Senator from the Commonwealth of Pennsylvania for their thoughtful expressions concerning my activities on this measure. I thank all concerned for the constructive effort in which not merely one Member of this body, but all of us have joined. I again thank the conferees on the part of the Senate, who were members of the Labor Subcommittee and members of the parent Committee on Labor and Public Welfare.

All of these men were intensely interested in what we were doing. They did not just evidence a cursory interest. They knew what we were doing in our hearings in Pennsylvania and in West Virginia. They knew what we were doing in our subcommittee in the hearings in Washington. They knew what we were doing in attempting to finalize the measure and bring it to the Senate floor as quickly as possible. All of them in a very real sense were participants in what we have done.

And, Mr. President, I express special commendation to my esteemed colleague, Senator ROBERT C. BYRD of West Virginia, the acting majority leader of the Senate. He cosponsored my original amendment in 1969 for payment of victims of pneumoconiosis. He cosponsored the bill which is the basis for this conference agreement. I am personally and officially gratified to recognize his active interest and helpful participation in this legislation. Senator ROBERT C. BYRD testified in both West Virginia and Washington in favor of the measure which I hope we will soon pass by a unanimous vote in this body.

Finally, I extend my genuine appreciation to the many staff members who have given so much of their time, not just during the working day, but also very late at night.

They are the members of the staff of the committee and offices of Senators. The Senator from New York (Mr. JAVITS) earlier mentioned them by name. I wish to reinforce his expression of thanks to these staff members, because we are so dependent on them in this sort of complex study and development of legislation. We need the help of these staff men who stay with us and follow through with us.

Mr. President, I indicated in the beginning of my remarks this afternoon that in a sense this is an historical occasion. This in a very real sense is landmark legislation.

I know that in the coming years the expenditures will be very substantial in cost to both the Federal Government and the coal operators. We have to realize that this is a very costly program. However, in doing this we have recognized the responsibility which we have toward the coal miners of this Nation. It is my belief that the coal industry will accept this joint responsibility with the Federal Government.

Mr. President, I think it is unnecessary to say more. I have covered the essence of the matter. The Senator from New York (Mr. JAVITS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Ohio (Mr. TAFT), and I have covered these matters in the conference report. This legislation will be fully explained in the proceedings of the Senate.

I just close by reiterating that I think we have treated with equity the responsibility of the Federal Government and also that of the operators of the coal mines. We have also given to the coal miners and their dependents at the levels that have been explained the aid which they fully deserve. So, it is not with any pride that we do this, because I do not want to use that word or even to think of it. What we are doing here is not something which we will point to with pride. It is something which ought to be done, something which needs to be done and which Congress, in response to the need, has done. This is the way it should be on legislation which touches the very lifeblood of the working population of this country and also those who help them.

So, Mr. President, I shall not use more time. I shall yield back the remaining minutes that have been, I think, allotted to me.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back his time?

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SCHWEIKER. Mr. President, I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Chair lays before the Senate the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 724, S. 3526, a bill to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. SCHWEIKER. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 4:28 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:36 p.m., when called to order by the Presiding Officer (Mr. JORDAN of Idaho).

PUBLIC BUILDINGS AMENDMENTS OF 1972

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1736.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1736) to

amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Public Buildings Amendments of 1972".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) strike out in subsection (b) of section 4 the figure "$200,000" and insert the figure "$500,000" in lieu thereof;

(2) strike out in subsection (a) of section 12 the following: "as he determines necessary,";

(3) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design."; and

(4) section 7 is amended to read as follows:

"SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriation shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of security consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

"(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act;

"(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

"(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

"(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

"(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (f)), is amended to read as follows:

"(f) (1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

"(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section, and proceeds with respect to building sites, plans, and specifications authorized to be sold pursuant to subsection (h) of this section.

"(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, District of Columbia', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

"(5) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding two new subsections reading as follows:

"(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator and the Director of the Office of Management and Budget. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

SEC. 5. (a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Funds available on the date of enactment of this subsection for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General

Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 7 of the Public Buildings Act of 1959, as amended, and each such prospectus shall be limited to public buildings generally suitable for office or storage space or both and any other type of public building that is specifically approved by resolution adopted by the Committee on Public Works of the Senate and the House of Representatives for a purchase contract under this section.

(g) No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section.

(h) No purchase contract shall be entered into under this section until it has been authorized by resolution adopted by the Committees on Appropriations of the Senate and House of Representatives, respectively.

SEC. 6. (a) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west, Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 308 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,100 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

(b)(1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon: *Provided,* That—

(A) the City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

(B) the City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

(2) If within twenty-four months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (b)(1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon.

SEC. 7. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

SEC. 8. (a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

SEC. 9. Section 8 of the John F. Kennedy Center Act, as amended (72 Stat. 1969) is amended by inserting "(a)" immediately after "SEC. 8" and by adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated to the Board not to exceed $1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts."

SEC. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection."

SEC. 11. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House to S. 1736 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GRAVEL, Mr. JORDAN of North Carolina, Mr. TUNNEY, Mr. BOGGS, and Mr. COOPER conferees on the part of the Senate.

ORDER FOR PRINTING ADDITIONAL COPIES OF THE 1971 REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I submit a resolution which would authorize the printing of additional copies of the 1971 report of the Special Committee on Aging, "Developments in Aging: 1971, and January through March 1972," and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 298

Resolved, That there be printed for the use of the Special Committee on Aging one thousand five hundred additional copies of its report to the Senate entitled "Developments in Aging: 1971, and January through March 1972."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHURCH. Mr. President, by having the additional copies, which we require, printed at the same time as the regular quantity, we can effect a savings

to the Government of over $2,000. I have discussed this action with the chairman, the Senator from North Carolina (Mr. JORDAN), and the ranking minority member, the Senator from Kentucky (Mr. COOK), of the Committee on Rules and Administration; and in view of the circumstances, they have agreed to interpose no objection to this unanimous-consent request.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 298) was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. RANDOLPH. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 4:38 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:47 p.m., when called to order by the Presiding Officer (Mr. JORDAN of Idaho).

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Assistant Secretary of the Senate reported that today, May 4, 1972, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe-Chavez, and Alfredo Guerrero-Chavez;

S. 1089. An act for the relief of Robert Rexroat;

S. 1675. An act for the relief of Antonio Plameras;

S. 1923. An act for the relief of Harold Donald Koza;

S. 2676. An act to amend the Public Health Service Act to provide for the control of sickle cell anemia;

S.J. Res. 173. A joint resolution to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 174. A joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 175. A joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1175

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, we have been asked by the critics of the administration's Vietnam policy to set a date certain for abandoning our Vietnamese allies to conquest by Hanoi. The men who would have us do this sometimes say, that the Vietnam war is a civil war and that we have no business there. Other times they say that, no matter what kind of war it is, it is time for us to get out. They say that it has cost too much in American lives and material, that the South Vietnamese should be left to stand on their own—allowing the chips to fall where they may.

I wish as strongly as anyone that we could bring peace to Vietnam, but I do not think we can just turn our backs on our allies, not when the Communists are attacking across established frontiers in a bold attempt to discredit Vietnamization and topple the South Vietnamese Government. We should not undercut the President's policy by giving Hanoi a victory it cannot achieve on the battlefield. Let us not forget that Hanoi has been planning these attacks for some time, and that one of the Communists' major targets is U.S. public and congressional opinion. The big Tet offensive came in 1968, also an election year. If we vote a date certain for withdrawal from Vietnam or for a cutoff of funds, in effect scuttling the Vietnamese Government, we will thereby be playing directly into Hanoi's hands.

That the present offensive was a long time in the planning is demonstrated by the enemy's use of modern weapons and regular North Vietnamese units.

They are better equipped than the South Vietnamese defenders. The Soviets, who invited President Nixon to visit Moscow later this month, provided these new weapons, knowing full well they would be used during this period of negotiation by President Nixon. Thus, President Nixon faces talks with the Soviets while South Vietnam is under fierce attack.

All of this could not have happened without long months of stockpiling supplies, training personnel in new tactics, and moving tanks, artillery, and personnel to the battle areas—in some cases hundreds of miles outside North Vietnam. At the same time, the enemy was building up in Laos opposite Kontum Province, in the Vietnamese Central Highlands, in Cambodia, in the region near Saigon, and in their own territory near the DMZ. Hanoi spent months preparing for this invasion southward which now threatens to reach bases manned by U.S. support forces.

It is interesting to note that when they were making their plans, the Communists recognized that the Vietcong did not have the strength in the South to carry out important attacks against government forces. Facing this fact, Hanoi was willing to deplete its own forces in the North to the extent that only one combat division has stayed within North Vietnamese borders. Every North Vietnamese combat division except one is now fighting outside North Vietnam.

The Vietcong Communists in South Vietnam have been beaten, and Hanoi knows it; otherwise, the northern units would not have been sent south. It was clear to Hanoi that the Vietcong could not inflict a major military defeat on South Vietnam. It was also clear that President Nixon could not abandon the South Vietnamese Government in the face of this kind of attack, so Hanoi launched its invasion anyway. Why? Knowing that the Vietcong could not achieve a military victory in South Vietnam, the North Vietnamese Communists committed nearly all its forces in hopes of achieving important political and military victories. They were willing to pay a high price in lives and material in an attempt to force the Nixon administration to abandon its Vietnamization program. One way they can accomplish this is by mobilizing American opinion to withdraw U.S. support from the Saigon government, thereby assuring the collapse of South Vietnam.

Should we play into Hanoi's hands by withdrawing from Southeast Asia, abandoning our allies to Hanoi's cruel invasion? I think not. Rather, I believe we should stand by our ally in this difficult moment.

Mr. President, for these reasons I urge my colleagues in the Senate to support the pending amendment offered by the distinguished Senator from Mississippi (Mr. STENNIS).

DISTORTION AND MANIPULATION OF THE NEWS

Mr. THURMOND. Mr. President, service in Congress affords perceptive Members an opportunity to obtain a deep insight into the formulation of policies affecting national security. Experience soon enables Members to recognize sharp differences between events as observed by participants and as reported in thee mass news media because of distortions, fabrications, or omissions.

Under the stimulus of illuminating exposures of some of these practices by Vice President AGNEW in periodic statements, I have noticed an increased volume of criticism of the mass media by skilled newsmen. Outstanding among such critics is Herman H. Dinsmore of New York, former editor of the international edition of the New York Times. Author of the important book, "All the News That Fits: A Critical Analysis of the News and Editorial Contents of the New York Times," published in 1969 by Arlington House, he can speak with the authority of experience.

In an address on April 13, 1972, before the District of Columbia Chapter of the Military Order of the World Wars on the startling subject of "How to Construct an Enemy," he told the story of the build-up of a Soviet balance of power against the United States. He documented his presentation with facts from relatively unknown books that should have been widely reviewed in the major news media of the United States but were not.

Among the volumes cited are the following: Dr. Medford Evans, "The Secret War for the A-Bomb." Chicago: Henry Regnery Col, 1953; George Racey Jordan, "From Major Jordan's Diaries," Belmont, Mass.: Western Islands, 1965; Dr. Anthony Kubek, "How the Far East Was Lost; American Policy and the Creation of Communist China, 1941–49," Chicago: Henry Regnery Co., 1963; Dr. Anthony C. Sutton, "Western Technology and Soviet Economic Development," Stanford, Calif.: Hoover Institution, 1968.

One of the matters covered by Mr. Dinsmore in this address is the construction in the Soviet Union with U.S. technology and material of a huge truck manufacturing plant on the Kama River,

which is about 800 miles east of Leningrad close to the Ural Mountains.

In an address to the Senate on March 3, 1972, I quoted a December 6, 1971, address by Mr. Dinsmore before the American Speakers Forum of Schnectady, N.Y., on the subject of "Current History Everyone Needs to Know." In this address he revealed some of the practices of the New York Times in controlling the flow of news to the people of our country and its distortion.

Mr. President, because the latest address by Mr. Dinsmore supplies additional information essential for understanding events now unfolding, it should be of high interest to the Congress and the Executive in relation to policy determination, I ask unanimous consent to have it printed at this point in the RECORD.

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

HOW TO CONSTRUCT AN ENEMY

(By Herman E. Dinsmore)

I am grateful for this invitation to speak to you, and I am honored to be here.

Today I want to talk on a how-to subject—"How to Construct an Enemy," which involves considerable news twisting.

In October of 1945 David E. Lilienthal, head of the Tennessee Valley Authority and about to become the first chairman of the civilian Atomic Energy Commission, asked President Truman if it would be all right for him (Mr. Lilienthal) to accept invitations to make speeches on the TVA at various places around the country. Mr. Truman replied:

"It is perfectly all right to accept them . . . that's the only way the people will get to know the facts—they sure won't know them through the newspapers." *

This statement struck me with considerable force because it was a conclusion I came to some years later, although I had by then begun to see the pattern of *omissions, distortions and fabrications* that the national news media would come to and would have to come to, to maintain the Established position—namely, that we must not irritate the Russians; we must not be victorious in any wars; we must make the Soviet Union at least as strong as we are; we must set up and maintain a balance of power; we must not only sacrifice the truth, but American lives in the scores of thousands to uphold the doctrine of the balance.

What is this "doctrine of the balance of power"? It was stated by Walt Whitman Rostow, who was chairman of the policy planning staff of the State Department in the Administration of President Kennedy. Here is the gist of what he said:

"Rising tensions or the pleas of our allies or *of the American public* must be ignored in any crisis with Russia. The temptation must be avoided to prolong or expand any crisis in an effort to degrade or embarrass the Soviets in the eyes of the world." (As summarized by Willard Edwards in the *Chicago Tribune* in June, 1962.)

Mr. Rostow believed that the Russians were mellowing. He called for "the reduction and eventual elimination of United States national military capabilities except those required for maintaining internal order and for an international police force." He also said:

"It is a legitimate American national objective to remove from all nations—including the U.S.—the right to use substantial military force to pursue their own interests. Since this residual right is the root of national sovereignty and the basis for the existence of an international arena of power, it is, therefore, in American interest to see an end to nationhood as it has been historically defined." (Daily CONGRESSIONAL RECORD, June 6, 1963, pp. A362–A363.)

This is also said to be the attitude of Dr. Henry A. Kissinger, the present national security officer in the White House.

It was previously the view of Adlai Stevenson, who twice ran for the Presidency of the United States. He said:

"In short, the U.S. program calls for total elimination of national capacity to make international war." (Address in the United Nations on Nov. 15, 1961)

That, of course, meant the end of nationhood and the end of the nation. You can work to destroy the nationhood of the United States in a number of ways. One of them is to construct an enemy so powerful that you will then be able to turn to the American people and tell them that we dare not win a war with that enemy lest he turn upon us and destroy the nation. You see, it is really a most inane program. But it has been and is being attempted, and I want to tell you how the West, chiefly the United States, has undertaken to make the Union of Soviet Socialist Republics a formidable enemy immune to defeat in any war with us. It is possible Communist China is slated to be the next existing foe to be built up. When the United States gives up power, that power goes not into the United Nations or a world government, but into one or both of the two great terrorist governments, Russia and Red China.

The construction of the Soviet Union to be an outsized antagonist began in 1942, when we started sending the first shipments of documents and atomic materials to the Russians during World War II. This has been established beyond all cavil through the *Diaries* of Major George Racey Jordan, now confirmed by independent research. I myself never doubted the absolute validity of Major Jordan's statements of what he saw being shipped to Russia when he was the officer in charge of observing the shipments by sea and air under Lend-Lease, directed by Harry Hopkins. Two highly respected Army colonels in New York told me they knew and admired Major Jordan for his integrity, as did a well-respected and scholarly Navy captain in Washington.

While more than 99 per cent of the American people, including Major Jordan and nearly all other military personnel, knew nothing about our plan to build an atomic bomb, the Russians appear to have had knowledge of it almost from the beginning. President Roosevelt told General Follett Bradley as he was about to leave for Moscow in 1942 that "our position should be to say to the Russians that 'we can let them have almost everything they want.'" (Dr. Anthony Kubek in *How The Far East Was Lost.*) From the information in the Jordan *Diaries*—and that is by no means complete—we sent to the Russians 22,958,742 pounds of materials used in the construction of atomic bombs, plus "millions of dollars worth of mining, ore-crushing and construction equipment." Major Jordan appears to have been removed from his assignment at Great Falls, Montana, because of his eagerness to check on what was being shipped by air to the Soviets, and to make a record of the data. Major Jordan felt that eventually there would be a scandal about this, but he could not even guess the extent of the perfidy to the United States. Even today it is customary in some high places to despise and reject Major Jordan. Published in 1952 by Harcourt, Brace, his book received cursory reviews in most cases, except for a favorable mention in the *Chicago Tribune*, which then had more courage in reviewing books than it has today.

It is worth hearing a few words of that review by Walter Trohan in the *Chicago Tribune* of Sunday, September 14, 1952:

"It is a tale surpassing belief and one to make shivers race up and down the spine in contemplating the threat of World War III. The diaries of Major Jordan present an astounding account of arrogant Soviet connivance and of blind American trust, with ominous overtones of treason."

Yes, and it makes you wonder why other reviewers were not equally disturbed, instead of brushing off this work as questionable. The truth is that in those days the atomic bomb had been made completely undiscussible by the left-wing news media, which were building up the Soviet Union for all they were worth. Major Jordan received no Pulitzer Prize or George Polk Memorial Award or any other public encomium for his devotion to the interests of the United States. Nor did the newspapers compete for the rights to publish his book in daily installments so that the public would be widely informed of the existence and contents of this work. In brief, the *Diaries*, of immense importance to all of us, failed to make any impact on the nation. I, who am supposed to be a newspaper man, did not hear about the book until 1969, 17 years after its publication.

What the Russians were able to do during World War II with the material that we sent them is problematical. They recently exhibited a picture of a reactor similar to one in Hanford, Washington. They said the reactor was built in 1946, but that is beyond confirmation. Since the Russians could not possibly have used the materials we sent them to build a bomb during the war, the question arises as to why American atomic-bomb making materials were ever sent to them in the first place. As we see now, it was to build them up into a strong enemy, so that the United States would have an adversary worthy of it. But why Russia? Because she filled the bill better than any other nation or combination of nations. The Soviet Union was hostile to the United States even during the war. The Soviet Union was ideal as a balance-of-power antagonist because it was secretive; it was to build a Wall and lower an Iron Curtain; it was big and blustering; it could be depended upon to enter into the spirit of the balance of power and play its part to the hilt. It remained for the national news media of the United States to play its role of setting up an Establishment Wonderland, a world of make-believe in the press and on television and radio.

In this connection an extraordinary development occurred in 1945 at the end of the war. A great hue and cry arose, chiefly among American intellectuals or members of the arts, sciences and professions, for sharing the secrets and even atomic bombs with the Russians. How this was achieved to set up a balance of power with a venegeance will be described after completion of the story of the second phase of the build-up. This concerns the manner in which the West, chiefly the United States, restored or created virtually all of basic Soviet industry.

The first of three volumes of *Western Technology and Soviet Economic Development* by Dr. Antony C. Sutton of Stanford University was published in 1968. Dr. Sutton found that during the 1930's the United States and other Western countries helped the Soviet Government to obtain "30 years of technical development in three years." Some of this was erased in World War II, but the Stanford researcher says this:

"Looking at the picture as a whole, there were two massive injections of Western technology and capacity (into the Soviet Union), in the period 1930–33 and 1943–45. World War II, and assuming that 25 percent of the Soviet economy was destroyed, the Soviets were far better off in terms of both capacity and technology by 1946 than before the war. Destroyed facilities were more than replaced by reparations and Lend-Lease, and, more importantly, replaced with equipment 10 to 15 years more advanced.

"No major technology or major plant un-

*The Journals of David E. Lilienthal, Vol. II, p. 4. Harper & Row, N.Y., 1964.

der construction between 1930 and 1945 has been identified as a purely Soviet effort. . . Soviet technology was almost completely a transfer from Western countries; only two major Soviet innovations have been identified: SKB synthetic rubber and the Ramzin once-through boiler; both were supplemented with Western methods by 1945."

Two weeks ago a distinguished professor said to me. "We must not underestimate the enemy." My answer was, "Precisely. And for that very reason we must not build him up to make him stronger than we are."

Through Dr. Sutton's penetrating study we learn about the strength and weakness of the Soviet Union. We discover that the U.S.S.R. was chiefly weak—which I saw with my own eyes—and we find out that the West, mainly the United States, made it strong. But we did not learn the principal facts in this matter from the national news media. For instance, on November 25 last the Associated Press sent out a dispatch from London reporting that a Soviet space scientist said in a book published on that day in Britain that "Moscow's space program is a gigantic bluff covering bad workmanship and technical inadequacy." *The New York Times* and other newspapers did not publish the dispatch. Why? Apparently because the same sources that helped so much to build up the Soviet Union are not going to tear it down by publishing such unfavorable information. That AP dispatch said:

"Leonid Vladimirov, a Soviet engineer and journalist, who defected while on a visit to Britain in 1966, said the Soviet space program originally began as a series of publicity stunts.

"In his book, *The Russian Bluff*, Vladimirov said these stunts were aimed at persuading the West that the Soviets had reached a high level of advanced technology comparable with that of the United States. Vladimirov's book describes political pressures and frustrations under which Soviet scientists and technologists work, always separated by security barriers. (Inside a Soviet factory or plant you go from one door to another by unlocking one and then locking it behind you.)

"Vladimirov said the West has always overrated Soviet strength in space because of early Soviet successes.

" 'Russia knew a long time ago that she could not beat America to the moon because she cannot build a moon rocket,' he said. 'Even today the Soviet Union cannot produce any significantly big jet nozzles.' "

There is more of a technical nature that only engineers would understand, but the part of this dispatch that I have read to you is perfectly understandable to me. Is there any earthly reason why an American newspaper should not publish this? As a matter of fact, it is a fairly ripe piece of news that deserves a place on the front page. It would not make Americans overconfident. They would digest it, and eventually get it and the Soviet Union into perspective. But the aim of our left-wing news media is to build up and maintain a balance of power. And to do this it is deemed necessary to suppress and distort news.

The great work of Dr. Sutton, *Western Technology and Soviet Economic Development*, exposing the strange economy of the U.S.S.R., was called "the most important publication since The Bible" by one reviewer. But only one of the first two volumes was reviewed by any newspaper in the United States. The Phoenix *Arizona Republic* was the sole newspaper to bring this work to the attention of its readers.

I asked Dr. Sutton whether he was aware of the *Diaries* of Major Jordan. He said he was, and that he had come to Washington, D.C., to check the invoices listed by Major Jordan for the atomic and other materials sent to Russia. He said he assumed that if the Jordan figures tallied with the original sources in a number of random cases, then it would be possible to accept the Jordan material as authentic. With Congressional help, Dr. Sutton made a sample check and found that Major Jordan's data tallied with the originals. Dr. Sutton said that much of the material involved was still classified. Let us hope it will soon be released to scholars and the press, if they should want to give the facts to the public.

Dr. Sutton said that it was his conclusion that, technically, the Soviets could not have manufactured an atomic bomb without U.S., British or Swiss assistance because those were the only sources of some of the machine tools needed. Moreover, he said, the Soviets could not even manufacture the extrusions needed to build certain aircraft early in the 1940's. There is much more to the atomic bomb matter, but first I want you to hear Dr. Sutton's views on Russian assistance to the North Vietnamese. These are stated in his paper entitled, "The Problem of Government Censorship in Regard to Our Assistance to the Soviet Military Structure." He says:

"Some years ago my research strongly suggested that the Soviets had no indigenous (or home-grown) military transport technology: either moter vehicles or marine diesel engines. However, the bulk of the weapons and supplies for the North Vietnamese in the present war came from the Soviet Union, and the greater part of these Soviet supplies and weapons went to Vietnam by sea, and along the Ho Chi Minh Trail by Soviet-built trucks. Therefore I applied some effort to this apparent contradiction and specifically to identify and make an analysis of the main propulsion units of the Soviet supply ships. While such information is readily available in (U.S.) Government files, it is classified and not available to Congress (by virtue of 'executive privilege') and certainly not to individual citizens.

"By using Russian-origin data I was able to make an accurate analysis. I determined that all main propulsion systems (diesel and steam turbine) of the 96 Soviet ships used on the Haiphong supply run and which could be identified (that is, 84 out of the 96) originated in design or construction outside the USSR. (See CONGRESSIONAL RECORD, vol. 117, pt. 28, p. 37385.) By applying the export control laws and some initiative in DoCom the State Department could have prohibited the export of the greater part of this military technology to the USSR. However, without access to the DoCom and State papers I do not know whether we have a problem of culpable negligence, abysmal inefficiency or basic inability to examine all sides of a problem. We *do* know that if the U.S. State and Commerce Departments had consistently enforced the 1940 legislation passed by Congress, then the Soviets would not have had the ability to supply the Vietnamese War—and 50,000 more Americans would be alive today."

The *Washington Post* reported on February 17 of this year that the United States Government on the day before approved $367,100,000 worth of export license to the Soviet Union for possible sales of machinery for a large truck-manufacturing plant on the Kama River. The dispatch did not say that the plant is to be the world's largest maker of trucks, most of them of giant size. It is still true that the Soviet Union does not have a mass-producing truck plant or automobile plant, though a mass-producing automobile plant is now being built there by the Italian Fiat company with American help.

Now we come to the possibility that the United States has supplied another important earlier need of the Russians—namely, atomic bombs. Let us start with the statement of a man who had just stepped down as President of the United States. Mr. Truman said in Kansas City one week after leaving the White House:

"I am not convinced the Russians have achieved the know-how to put the complicated mechanism together to make an A-bomb work. I am not convinced they have the bomb."

Since Mr. Truman as President of the United States would have had pretty complete knowledge of this matter, it is my opinion that he was trying to tell something to the American people. It was Mr. Truman as President who announced to the world the first Russian atomic explosion in 1949. Now in January of 1953, when he could speak more freely, he seemed to be in haste to tell his countrymen that he did not believe the Russians were capable of making atomic bombs. But he had been convinced that the Russians did produce atomic explosions or he would not have announced them. Could it be that the Russians exploded atomic materials manufactured in another country—namely, the United States?

That is a theory that has been investigated thoroughly by Dr. Medford Evans, who was the security officer of the United States Atomic Energy Commission in the early 1950's and who resigned when none of his security measures was accepted or put into effect. Dr. Evans concluded that twenty or more bombs—or the materials to put together the bombs, the component parts—probably had been stolen from Los Alamos and/or Oak Ridge and Hanford. He gave his views in a closely reasoned book, *The Secret War for the A-Bomb*. Almost needless to say by now, this work was not reviewed in any newspaper in New York, Washington or Boston, which are vital centers in bringing books to the attention of the people. Dr. Evans had stumbled into the Acheson-Lilienthal Wonderland, where only the grotesqueries and fantasies of the Establishment Plan were tolerated. What was the Plan? Incredibly, it was to build atomic bomb plants in the Soviet Union and at other points around the world, and at the same time to withdraw the United States military guard around the atomic bomb components within this country. Bernard Baruch, a man whose two feet were firmly on the ground, killed the plan to build atomic bomb plants in Russia, but he could not prevent the relaxation of security around the atomic bomb plants in the United States—his work was only in the United Nations Atomic Energy Commission.

The hue and cry that started a wide demand among intellectuals for sharing the bomb with the Russians was launched by Dr. Leo Szilard, a Hungarian scientist who fled ahead of the insane Hitler to the United States. It was Szilard who led the movement to get Dr. Albert Einstein to move President Roosevelt to build the bomb, and, alas, it was Szilard who said this in March 1945:

"During 1943 and part of 1944 our greatest worry was the possibility that Germany would perfect an atomic bomb before the invasion of Europe. . . . In 1945, when we ceased worrying about what the Germans might do to us, we began to worry about what the government of the United States might do to other countries."

It should be said immediately that neither Dr. Albert Einstein, the true and tried father of the atomic age, who was a German refugee from Nazi fury, nor Dr. Edward Teller, a Hungarian emigre colleague of Dr. Szilard and the father of the hydrogen bomb, shared these views of Szilard. Dr. Einstein advised that the United States should maintain "overwhelming superiority" over the Russians, and Dr. Teller moved to do just that by helping to build the H-bomb. He was joined in those efforts by Admiral Lewis L. Strauss.

After World War I we were asked, What price glory? After World War II the question was, What price nationhood? Now we must answer, before it happens, What price slavery?

Julius Rosenberg, the master spy for the Soviet government, recruited an unknown number of atomic and other spies. His word to them in 1944 was:

"The United States and Britain are working on this (atom bomb) jointly, and refusing to share the information which should go to Russia as an ally. If all the nations can't have the information, then one nation can't use the bomb threat against another." (From Oliver Pilat's *The Atom Spies*, page 210)

That is the very essence of the balance-of-power doctrine. It has already been proved wrong because Khrushchev thrice threatened atomic war—against Britain, Greece, and against the United States in 1962. Also, it is noticeable that no advocate of the balance ever suggested that the Soviet government should supply any of its secrets to the United States. The Russians contributed nothing but spies to the creation of the bomb, whereas the British contributed a great deal, as did nationals of a number of other countries. We have already suggested why we think the Soviet Union was chosen as the first great power to be balanced against the United States.

The Rosenbergs were fairly tried, convicted and executed, but their fate has always served as a cover for those in the United States government who appear to have done the same thing as the Rosenbergs, though on a far larger scale. The left hand does not know what the right hand doeth. For instance, Dr. Evans remarked in *The Secret War for the A-Bomb* (page 66):

"Enough has been observed to suggest that two of the three mainline establishments—that is, Oak Ridge and Los Alamos—are, or at least have been, susceptible of being systematically milked by an organization of resolution and ingenuity. This is true at Oak Ridge because of the physical nature of isotope separation plants; it is true at Los Alamos because of the administrative arrangement."

That was written in 1953. I have in recent weeks talked with Dr. Evans, and he thinks the theft of atomic bombs still is a reasonable hypothesis. The military guards around the bombs were withdrawn as soon as Gen. Leslie R. Groves was relieved of the command of the Manhattan Project, and civilians took over under the Atomic Energy Commission. Today the military has no access to the bomb by law except under the specific order of the President. Actual thefts of bomb-making materials have been recorded—one in the case of Allan Nunn May, British scientist and spy, and the other in the case of an American citizen employed at Los Alamos, who in 1946 took as a souvenir a glass vial containing plutonium and buried it under his house in Denver, Colorado. He was not accused and arrested until four years later.

I could give a number of instances of scientists or technologists who felt as Dr. Evans does, that a determined organization like the Communists' could divert—that is, steal—atomic bomb components. But I will leave something for you to read when you get this out-of-print book from the library—*The Secret War for the A-Bomb*. I do, however, want to tell you of one more revelation in this volume. It is that when what appears to have been the first official inventory of our atomic bombs at Los Alamos was taken in 1947, the cupboard was found shockingly bare. This has since been remedied in our total inventory, with the addition of the hydrogen bomb and other nuclear weapons. But I am persuaded that Communist treachery may have syphoned off some bombs and many secrets. Some of the scientists who demanded the utmost secrecy in the early days changed their minds after the bomb had been created. Then the word was: There are no secrets. It is probable that many secrets were betrayed in the great wave of the Communist and world government future that has swept over this land in its most recent years. The list of secrets known to have been handed over to the Russians is a long one, in addition to the highly sensitive electrical and mechanical developments given to them by the government during the Lend-Lease period and the Pipeline that followed it. It was as if our government got so used to giving things to the Russians that it could not stop doing it, and so we plan to build the largest truck-manufacturing plant in the world in the Soviet Union; this could really fix the balance-of-power center in Moscow.

We have now come down to this—that when books are hidden from the public to prevent its knowing of their existence, then somebody has got to get hold of the books and read them to the public. I suspect that *The Secret War for the A-Bomb* was not reported to the greatest part of the public because the volume was felt to contain some very frightening information, not all of which I have relayed to you. Of course, one is not supposed to reveal information that might upset some ever-pending negotiations with the Russians, who are sure to keep some discussions going somewhere on something every week of the year for that very reason.

And there is a point that must be noted. It is that the Russians are well aware that they are being appeased, and that their nation is being pushed upward as a balance-of-power antagonist of the United States by the United States. Can any one possibly doubt that the Russians are keenly aware that we follow a no-victory policy and that they make the most of it, since victory is their consistent and never-ending plan? While the Russians and the Peking Chinese use Communists around the world for all they can get out of them, both the Soviet Union and Communist China have proved themselves hard-shelled nations, seeking to grab all they can under the veneer of Communism. There are no elements in Russia and China seeking to establish any kind of balance of power against either of those countries.

This is not a balance, really. It is a shell game. We lost Eastern Europe, then China. We refused to win in Korea when we could have done so. We lost Cuba unnecessarily. Actually we transferred Cuba to the Communists. Chile is going Communist. Will the Panama Canal be next? We have refused to win the Vietnam War, and have brought about a vast upheaval in our country. Gen. Bruce K. Holloway, Commander of the Strategic Air Command, said in December:

"I am not going to get into the business of why we fought the Vietnam War the way we did. On strictly military considerations, nobody in uniform that I have every heard of would have done it that way.

"I think the quickest way to get the North Vietnamese to negotiate would have been to go after their Achilles' heel—their war-supporting logistics." (*U.S. News & World Report*, Dec. 22, 1971)

Nonetheless the B–52's have done very well.

As you think back over what I have said here, you will ask yourselves whether I could have been wrong. Possibly, here and there, but one thing is certain—this whole matter is not just one long typographical error. Even saying the things that I have said here today is fiercely resented in some liberal quarters of the national news media. They regard the truth as a political matter that must not be bandied about indiscriminately in conversation, in speeches or in the news. I say that is spinach, and you know the rest. Thank you.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR JUDICIARY COMMITTEE TO FILE REPORT ON CONFIRMATION OF APPOINTMENT OF RICHARD G. KLEINDIENST TO BE ATTORNEY GENERAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary may have until midnight tomorrow, May 5, to file the supplemental report with minority or individual views in the matter of the confirmation of Richard G. Kleindienst, of Arizona, to be Attorney General of the United States.

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

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE J, 92D CONGRESS, SECOND SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Protocol to Amend the Single Convention on Narcotic Drugs, opened for signature at Geneva on March 25, 1972 (Executive J, 92d Congress, second session), transmitted to the Senate today by the President of the United States, and that the protocol with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

TO THE SENATE OF THE UNITED STATES

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Protocol Amending the Single Convention on Narcotic Drugs, 1961. The Protocol was opened for signature at Geneva on March 25, 1972 and has been signed by the United States and forty-two other countries.

The process of amending the Single Convention was initiated by the United States in March 1971 as part of our attack upon the drug problem on an international level. The amending Protocol was adopted without a dissenting vote at a United Nations Conference in Geneva, in which 97 countries participated from March 6–24, 1972.

The Protocol would significantly strengthen the international machinery for the control of drugs. The International Narcotics Control Board, a body of technical experts created by the Single Convention, would be enlarged and reorganized, its authority and range of remedial actions increased, and its sources of information materially expanded. The Board would be given, for the first time, an explicit mandate not only to supervise legitimate trade, but also to combat illicit traffic in narcotic drugs. Its new powers would include authority to publish its own estimates of the drug needs of a country in case of disagreement between the Board and the

country regarding those estimates; to require that a country reduce its production of opium where there is evidence of diversion into illicit traffic; to propose an on-the-spot study of a situation with a view to developing remedial measures where they appear necessary, and to recommend to United Nations organizations and to the specialized agencies that technical and financial assistance be provided to a government in support of its efforts to carry out its obligations under the Convention. Whenever it identifies a serious drug problem, the Board would also be authorized to refer the matter with recommendations to the appropriate United Nations bodies. For the first time the drug problem would be treated as serious enough to merit remedial political action by the United Nations General Assembly.

The Protocol would also strengthen extradition machinery for drug offenders in a manner similar to that employed with respect to airplane hijacking.

These and other amendments discussed in the enclosed report of the Department of State on the Protocol should substantially improve international cooperation in combating illicit traffic in narcotic drugs and their abuse. Taken together they constitute a major new affirmation from the international community that it is determined that the drug menace be conquered. I strongly recommend that the Senate give early consideration to the Protocol and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *May 4, 1972.*

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR ADJOURNMENT FROM TOMORROW, FRIDAY, MAY 5, 1972, TO MONDAY, MAY 8, 1972, AT 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 12 o'clock noon, Monday next.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two assistant leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3526.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 10 o'clock tomorrow morning. After the two 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 statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 3526.

The pending question at that time will be on the adoption of the amendment offered by the able junior Senator from Mississippi (Mr. STENNIS), amendment No. 1175.

Mr. President, for the information of the Senate, there may be rollcall votes tomorrow. It is hoped that it will be possible on tomorrow to temporarily lay aside the Stennis amendment—which, of course, would require unanimous consent—and thus allow other amendments to come up from time to time, if there be such offered, which amendments might be disposed of with the understanding that if the Stennis amendment is laid aside temporarily, there would be a time agreement on any such amendment which would temporarily displace it. That time agreement would, of course, have to displace it. That time agreement would, of course, have to encompass a time frame which would allow for the disposition of any such amendment as would be brought up during the temporary laying aside of the Stennis amendment.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. Mr. President, I believe the Senator made the situation very clear, but just to reinforce it, it would, of course, be unlikely that any unanimous consent to temporarily lay aside the Stennis amendment would be agreed to unless there were incorporated therein a unanimous-consent agreement with a time-certain limitation as to any amendment that might be taken up; and, of course, each request to temporarily lay aside the Stennis amendment would have to be considered on a one-amendment-at-a-time basis, and when an amendment was agreed to or disposed of, the Stennis amendment would then immediately become the pending business again, I understand.

Mr. ROBERT C. BYRD. The distinguished acting Republican leader is correct. May I say, also, in that regard, there would be no disposition of the Stennis amendment tomorrow. That is the pending question now and it will be the pending question throughout the remainder of this week, and only temporarily laid aside—if laid aside at all—so that another amendment could be brought up and disposed of within a certain minimum time limit.

Mr. STENNIS. Mr. President, reserving the right to object, I was called away from the Chamber and I regret I was not here when the unanimous-consent request was made. As I understand the proposal——

Mr. ROBERT C. BYRD. If I may interrupt the able Senator, there is no unanimous-consent request pending. I was merely stating for the RECORD, so that Senators may be apprised, that there is a possibility there might be rollcall votes tomorrow but that such would not occur on the amendment of the Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I would want some speaking time tomorrow on the amendment that bears my name, and those in favor of the bill as now written would want to speak. I know the Senator from Idaho wants some time.

Mr. ROBERT C. BYRD. Yes. The Senate will come in at 10 o'clock tomorrow, which would give the Senator ample time to speak on the amendment. However, it was indicated in colloquy between myself and the distinguished acting Republican leader that there might be an amendment or amendments offered by Senators, more or less routine in nature, for example, increasing the amount for such-and-such an authorization by such-and-such amount—and only by unanimous consent could the pending amendment be laid aside—but we stated there was the possibility that unanimous consent could be gotten whereby the Stennis amendment would be laid aside temporarily and disposition made of such other amendment or amendments, with the understanding that when the Senate completes its business tomorrow the amendment of the able Senator from Mississippi would still be the pending business before this body.

Mr. STENNIS. I thank the Senator. I understand the situation.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRIFFIN. Mr. President, I move in accordance with the previous order that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 5:23 p.m. the Senate adjourned until tomorrow, Friday, May 5, 1972, at 10 a.m.

NOMINATION

Executive nomination received by the Senate May 4, 1972:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code: Gen. John D. Lavelle, [redacted]FR (major general, Regular Air Force) U.S. Air Force.