By Mr. RIEGLE (for himself and Mr. SEIBERLING):

H.R. 15007. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 15008. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 15009. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, and the possession of handguns, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 15010. A bill to provide for increases in the readjustment allowances of Peace Corps volunteers and volunteer leaders, and to provide for the depositing of such allowances in savings accounts; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 15011. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 15012. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

H.R. 15013. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TALCOTT:

H.R. 15014. A bill to amend section 203 of the Interstate Commerce Act to remove the exemption from regulation applicable to the transportation of certain agricultural commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. REID (for himself and Mr. Moss):

H.J. Res. 1201. Joint resolution relative to freedom of information; to the Committee on Government Operations.

By Mr. ASPIN:

H. Con. Res. 614. Concurrent resolution requesting the President to proclaim the week in which April 11 falls in each year as "National Barbershop Quartet Harmony Week"; to the Committee on the Judiciary.

By Mr. FREY:

H. Con. Res. 615. Concurrent resolution expressing the sense of the Congress with respect to an adequate accounting for all American prisoners of war, and all Americans missing in action, as a result of the hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. SNYDER (for himself, Mr. SEBELIUS, Mr. ZION, Mr. GRIFFIN, Mr. GUBSER, Mr. MCCLURE, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. SHOUP, Mr. PELLY, Mr. ANDREWS of North Dakota, Mr. DENHOLM, Mr. PRICE of Texas, Mr. WARE, Mr. KING, Mr. MCCLOSKEY, Mr. MICHEL, Mr. CLANCY, Mr. LENT, Mr. SCOTT, Mr. PIRNIE, Mr. MILLS of Maryland, Mr. WYATT, and Mr. COLLINS of Texas):

H. Con. Res. 616. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Res. 982. Resolution providing for the copying and distribution by the U.S. Capitol Historical Society of the film of the ceremonies and reenactment of the 100th anniversary of the Second Inauguration of President Abraham Lincoln; to the Committee on House Administration.

SENATE—*Tuesday, May 16, 1972*

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

PRAYER

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

O God, in whom we live and move and have our being, look with compassion and forgiveness upon this troubled land. Cover our sins with Thy healing grace. Extinguish the fires of hate. Subdue all ill will at home and hasten the time of peace abroad. Bring healing and comfort to those who suffer.

Teach us anew, O Lord, what it means to be free to speak, to listen, to govern by the people in a republic of free men. Spare us from the fear that paralyzes and the confusion that makes a nation impotent. Guide all our leaders in service to the people. Lead us in love and fellowship with one another in unity of spirit and in the brotherhood of man for Thy greater glory.

We pray in the name of the Great Redeemer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 15, 1972, will be dispensed with.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

GOV. GEORGE WALLACE OF ALABAMA

Mr. MANSFIELD. Mr. President, I wish to express at this time my outrage and dismay at the tragedy which occurred at the Laurel Shopping Center in Maryland on yesterday.

I think, in a democracy such as ours, that every person has a right to voice his opinion. Whether we agree with it is beside the point. The first amendment still stands for candidates for the Presidency as it does for every other citizen.

I must admit that I am horror struck at what happened to Gov. George Wallace of Alabama on yesterday because, to me, it indicates a weakness of some kind in our democracy and a trend over the past decade which bodes no good for the future of this Republic.

I am happy that the President, last night, extended full Secret Service protection to Senator KENNEDY and Representative CHISHOLM, and partial Secret Service protection to Representatives MILLS and ASHBROOK, and to Eugene McCarthy.

No full protection can be accorded, certainly not when candidates go into the crowds, away from the protection of their bodyguards and those delegated to seek after their safety and security.

I do not know what the answer is. But I do want to deplore this dastardly act and to express my hope that Governor Wallace will recover and return to full health and will be able to resume his campaign at the earliest possible moment. It is the least we can expect.

For Governor Wallace, he will have my prayers for a speedy and full recovery.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. ALLEN) be substituted for the name of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) today, with respect to the unanimous-consent order of recognition of Senators, and that the order of recognition as between the Senator from Alaska (Mr. GRAVEL) and the Senator from Alabama (Mr. ALLEN) be reversed.

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

In accordance with the unanimous-consent agreement just entered into, the Senator from Alabama (Mr. ALLEN) is now recognized for 15 minutes.

Mr. ALLEN. Mr. President, I wish to express my very deep appreciation to the distinguished majority leader for his fine words, and my appreciation to him and to the distinguished assistant majority leader for allowing me 15 minutes' time at this order of the proceedings.

Mr. President, I also wish to express my appreciation to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) who allowed me to speak at this time and will take his 15 minutes at a later time during the day.

Mr. President, the Nation is shocked and grieved at the cruel blow that has been dealt to Gov. George C. Wallace by a would-be assassin. It is only natural that in the forefront of those who are saddened by this tragedy are the proud people of Alabama, for Governor Wallace, as Governor of our State, is her first citizen and is much beloved by our people. Therefore, on behalf of the people of my great State and on behalf of my distinguished senior colleague (Mr. SPARKMAN) and the distinguished members of the Alabama delegation in the House, and on my own behalf, I express in this great body our deep sorrow and sympathy for Governor Wallace and Mrs. Cornelia Wallace and other members of the Wallace family and give our assurances of our prayers and best wishes for his recovery.

The attempted assassination of Governor Wallace was a cruel and dastardly act which will be universally condemned by all Americans. It is ironic that the leading advocate of law and order in the

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presidential race should be the victim of such a criminal stroke.

America must be made safe from law violators and criminals who place themselves above the law and who would seek to strike down a man who entertains and expresses views different from their own.

Mr. President, tragedy upon tragedy has been written on the pages of our contemporary political history. The senseless shooting of Governor Wallace is but another evidence of the growing trend in efforts to destroy law and order in our country. It was against this very trend that Governor Wallace was fighting, for there is something wrong with our democratic processes when a public official, in taking his candidacy to the people, literally places his life in jeopardy when he exercises his right of free speech guaranteed to him under the Constitution.

The current issue of the U.S. News & World Report shows that Governor Wallace, though he has not entered all of the presidential preference primaries this year, has received a greater popular vote than any other candidate for President this year.

What has been the secret of his success? People identify with him. They feel that he is one of them, that he is sincerely interested in their welfare, safety, and the betterment of their lives, that he speaks for them, that they know where he stands, that he has never been afraid to stick his neck out when principle is at stake.

Mr. President, when Governor Wallace began carrying his crusade to the people of America in the various primaries a few weeks ago he caught the imagination of the people of America with his awareness and discernment of America's problems. By his astuteness at getting to the crux of the Nation's problems heretofore ignored by many, he changed the entire complexion of the primaries and defined the issues in this election year.

Millions upon millions of Americans see in Governor Wallace the strength, the good, and the faith that characterizes the true spirit and heritage of America. They recognize that here is a man who instinctively and sincerely understands their struggle for law and order, for the sanctity of their homes and their battle against high taxes, inflation, giveaway programs, forced busing, and perhaps most important the need for a firm stand against the historic flow of power from the people to a faceless bureaucracy in Washington.

As a result of Governor Wallace's crusade, the people of America are sending to Washington a message that is being heard loud and clear by members of the Washington crowd. This message will influence the presidential campaign of 1972 and will have a decided effect on the political philosophy of this country and the direction in which our vast Federal bureaucracy moves.

Yes, Mr. President, the people are sending to Washington a message through the vehicle of their votes in the Democratic primaries, votes that are snowballing to high levels and that doubtless would have resulted—and probably still will—in victories in the Maryland and Michigan primaries.

Yes, Mr. President, the people of America are not to be denied their making of Governor Wallace a serious candidate for the presidency. Governor Wallace's place in history is assured. He will rank with the great presidential champions of the downtrodden, as one who has belief in the average man and woman, as one who believes in the American dream and the right of any American from any section of our country to aspire to the Nation's highest office.

But the tragedy which has befallen Governor Wallace sends a message to us, also. It sends the message that we must find a way in which all Americans can live together in peace and harmony, that we must find a way in which the peoples of the world may live together in peace and harmony, that we must find a way to end violence in this country, that all must recognize that everyone is subject to the law and that no man is above the law. Let us pray that this tragedy will help attain these desirable ends.

Mr. President, I commend the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from South Dakota (Mr. MCGOVERN) for their gracious actions and conduct following the tragedy and their expressions of sympathy to Governor Wallace and the Wallace family and their cessation of political activities as the Michigan and Maryland campaigns come to a close.

Mr. President, I could not conclude my remarks without expressing my sympathy for the good people of Maryland that this tragedy should occur in the great State of Maryland, and I hasten to say that our feeling and, I am sure of the Governor and his family, is that the people of Maryland are a hospitable, friendly, law-abiding people with a tradition of tolerance, compassion, and hospitality extending back for more than 300 years. So, our feeling toward the great State of Maryland and its fine people is one of understanding and sympathy for them and regret, not only that the tragedy occurred at all, but that it should have occurred in the State of Maryland.

Mr. President, although George Wallace lies in mortal danger—his fate is in the hands of an omnipotent God. The prayers of the people are with him. But whatever that fate may be, let no man doubt the solemn truth that his spirit will live on and that this message and his challenge shall be picked up and carried forward by that army of men and women in this great Nation who are ever willing to risk their lives and fortunes and their sacred honor in the cause of freedom of the individual against dictatorial, totalitarian governments.

THE ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE—SENATE JOINT RESOLUTION 234

Mr. ALLEN. Mr. President, I introduce at this time, on behalf of myself and my distinguished senior colleague, the senior Senator from Alabama (Mr. SPARKMAN), a joint resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution.

The assistant legislative clerk read the joint resolution the first time by title and the second time at length.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, I want to indicate that when the distinguished majority leader spoke so eloquently a few moments ago, he spoke not only for those on the majority side of the aisle, but also for the Senate as a whole. Regardless of political differences or affiliations, all decent, patriotic, and self-respecting Americans deplore the tragic, senseless act which occurred yesterday. Such an incident demeans our political process and it tends to degrade our society.

I know that the Members of the Senate on both sides of the aisle join with all Americans in prayers for the complete recovery of Governor Wallace.

Mr. President, I do not believe we should jump to a conclusion that our society as a whole is sick because a few are mentally deranged and are capable of such acts. However, the situation demonstrates the need for increased efforts on the part of those who have the responsibility to protect candidates running for office, particularly candidates for President.

Mr. President, I am pleased to support the joint resolution introduced by the distinguished Senator from Alabama and join in in the prayers that Governor Wallace will quickly recover and will once again be able to exercise the right that every American should have, the right to run for the Office of President of the United States.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Michigan for his fine remarks.

The joint resolution (S.J. Res. 234) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas, Governor George C. Wallace of Alabama was shot and critically wounded on May 15, 1972, by a would-be assassin; and

Whereas, this act of violence is deplored and universally condemned by all Americans; and

Whereas, the people of the Nation are shocked that this tragedy could occur and that our democratic processes are fraught with such danger to those who actively participate therein; and

Whereas, all American are saddened at this tragedy and sympathize deeply with Governor Wallace and his family and pray for his recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the attempted assassination of Governor Wallace is deeply deplored and condemned; and

That Governor Wallace has the best wishes and prayers of all citizens for his speedy recovery; and

That the Wallace family is extended the sympathy and encouragement and best wishes of all members of Congress, the distinguished Vice President and the President of the United States.

ORDER OF BUSINESS

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

Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield to me for 2 minutes?

Mr. GRAVEL. I yield to the majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

FIRE BOMBINGS

Mr. MANSFIELD. Mr. President, I wish to speak on another matter which bears in a certain sense a relationship to the attempted assassination of Governor Wallace. Within the past several days there have been attempts to fire bomb, I understand, the campaign headquarters of our colleague, Senator JOHN TOWER of Texas, and recently, on yesterday, our associate in the House, Representative BROOMFIELD.

I hope this does not mark a trend in that direction as far as other candidates are concerned, whether they be Democratic or Republican candidates, but it does seem to appear that once somebody does something, a chain of events is set in motion and new circumstances begin to occur. For example, in the case of hijacking, someone thought of the idea, it worked, others followed, and it becomes almost epidemic at times. The same could be said about assassinations and attempted assassinations of those who have aspired for high political office in the past decade.

I hope we would be aware of these events and if legislation is necessary to take care of actions of this kind in the future we would consider it, and to note most carefully that what applies to presidential candidates in one sense, less directly applies to certain candidates for office this year.

I thank the Senator for yielding.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE

Mr. GRAVEL. Mr. President, I rise also, as did the Senator from Alabama and the distinguished majority leader, to express my feelings about the dastardly act that took place yesterday afternoon at 4 o'clock.

I consider myself an opponent of the views expressed in the course of his campaign by the Governor of Alabama, but I think he not only had a legal right but every moral right to push for the views that he held so strongly. I can say he was a great advocate, and is a great advocate, of the causes he pursues.

I not only decry the senselessness—and I had occasion to view the film of the shooting on television—but I also do not think there is any normal citizen who cannot see that senselessness and fail to be totally gripped and gasp at the thought of one human being attempting to annihilate another human being.

I had the same emotion, I recall, during the Tet offensive, when the police chief of Saigon strolled up to a prisoner and used a snubnosed .38 revolver, which it is believed is the same type weapon used against Governor Wallace, to blow out this person's brains.

I gasped at the tragedy and personal pain of one human being killing another. So I want to register my feelings very deeply and extend my good wishes for the Governor's rapid recovery. From reports this morning he seems to be recovering, due in part to his native physical strength which is so well revealed by his spunkiness. I wish him well.

VIETNAM

Mr. GRAVEL. Mr. President, I had reserved this time prior to the shooting yesterday, but I think the attempted assassination underlines the remarks I want to make. What happened yesterday, in 1968, and in 1963 is not only a personal tragedy with respect to the Governor, with respect to Robert Kennedy, with respect to Martin Luther King, and with respect to John F. Kennedy, but is also a national tragedy.

I could not help but reflect, as the American press made self-indulgent remonstrances about the American psyche and our penchant for violence, that it is a wonder that there is not more violence than there is that erupts in the present context of events, because the Nation has been for a number of years on a violent course.

I think it stretches commonsense too much to think that we can be a party to enormous death, for whatever cause and for whatever reason, that we can be party to enormous numbers of deaths in other parts of the world, and be surprised that the violence spills over into a reaction against the leadership and political figures in this country. I think the two cannot be separated. I think we will be beset by violence that will possess us at the highest levels of Government as long as we pursue and utilize violence as an instrument of Government.

For that reason I think that we should go to the source of the problem and realize that if we can bring about change at the source we will obviously see a change at all levels.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles that grip me and cause me to gasp, as much as my gasping at viewing the attempted assassination of George Wallace. The first article is entitled "Doctor Describes Effect of New U.S. Bomb," which was published in the Washington Post on May 1, 1972, and the other article is entitled "Sources in Hanoi Say U.S. Jets Hit Within Six Miles of Capital," published in the Washington Post on May 9, 1972.

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

[From the Washington Post, May 9, 1972]

SOURCES IN HANOI SAY U.S. JETS HIT WITHIN 6 MILES OF CAPITAL

HANOI, May 8.—U.S. war planes early today raided areas around Hanoi. Highly reliable sources said that at one point the bombs dropped as close as six miles from the capital.

The sources said several air-to-ground missiles were fired against Hanoi itself.

An official announcement was being withheld, the sources explained, while the authorities were assessing the damage.

Meanwhile, a special aircraft was expected here today to evaculate unessential Soviet and East German diplomats following this morning's air raid on the Hanoi area.

Diplomatic sources said that diplomats and journalists who would be staying behind could, if necessary, be moved shortly to less exposed regions to carry on their work.

40-MINUTE RAID

The 40-minute raid which began at 0900 local time, shook buildings in the center of the city as the local population rushed to nearby shelters.

The attacks reportedly came as close as 6 miles to the city of Hatay Province. Other targets were in Yenbai Province, northwest of Hanoi. It is through this province that the rail link from Hanoi to Yunnan in China runs. Also hit were the provinces of Hoabinh and Namha to the south of the capital and the most populous area of the Red River Delta.

From the AFP office, the raid appeared to comprise about six attacks, the missiles searing the air and sending out low rumbling noises over the city as they exploded.

A formation of North Vietnamese Mig's flew low over the city to intercept the American raiders, some of them dipping their wings in an apparent salute to ground defense forces. There was no antiaircraft fire, however.

Loudspeakers barked out: "Attention. The attack is still going on. Stay in your shelters. Carry out security procedure."

COMMUNE A TARGET

At 09.35 local time, 40 minutes after the alert began, the all-clear sounded and people began returning to the streets.

Unconfirmed reports said the targets included the small commune of Phuxuyen, some 20 miles from Hanoi. A visitor to this locality yesterday said nothing except perhaps a small rail-and-road bridge could constitute a military target there.

Phuxuyen was, however, a target for the U.S. Air Force during the "war of destruction" wage during the Johnson administration.

Meanwhile, about a dozen foreign newsmen were taken yesterday on a visit to the bomb-scarred provinces of Thanhhoa and Namha, shortly after U.S. warplanes hit schools and hospitals and before this morning's raid.

The press party started out in the night to avoid American air raids along deserted Highway 1 which leads south to Saigon.

As the party pushed southward, the villages came to life, and the first farm workers set out their buffalos for the rice fields. At this point, military trucks were observed by the newsmen carrying children from the coastal areas to safety in the hinterland.

HOSPITAL DESTROYED

At the end of the tour was the Thanhhoa provincial hospital, some 75 miles south of Hanoi, which was hit on April 27.

The hospital was showered by 36 bombs—12 of them giant 2,000-pounders and the rest antitank bombs which penetrate the concrete roofs of the hospital as well as the air raid shelters, according to the hospital's chief physician.

In the enormous 45-foot craters and the rubble, the wreckage of operating tables and X-ray equipment could be seen.

At one stop 6 miles to the south, five U.S. planes had hit the Dongyen primary school during morning classes. Five bombs fell, leaving 20 dead and 25 wounded.

The press party could not see any military targets which might have justified the raid. The only "radar" here, which gives only a few seconds warning of an approaching raid, is supplied by children perched in the branches of trees, who bang drums and blow whistles to sound the alert.

This primitive early-warning system, operates in most villages, and as the party was leaving Thanhhoa Province the alert sound was heard.

DOCTOR DESCRIBES EFFECT OF NEW U.S. BOMB

(By Harold Jackson)

LONDON.—A new type of antipersonnel bomb dropped on Hanoi by American aircraft is causing severe medical problems for the North Vietnamese, according to a British consultant physician who has just returned from Hanoi.

Dr. Philip Harvey, who works at St. Stephen's Hospital in London, arrived in Hanoi on April 8 to carry out an extensive medical education program at the invitation of the medical faculty at Hanoi University.

A week after his arrival, On Sunday, April 16, 60 U.S. aircraft bombed the city, he said, causing extensive damage to eight residential districts.

Dr. Harvey said in London last week that he had visited one of the areas, less than a mile from his city center hotel, and examined some of the dead and wounded.

"I saw the body of one woman—she was pregnant—and she had been riddled with plastic pellets from an antipersonnel bomb.

"This is a new development. The pellets used to be metal, but now that they are using plastic it is impossible to locate the pellets by normal X-rays. They can be found with the use of ultrasonic vibrations, but the North Vietnamese do not have such equipment."

"A full ultrasonic vibration unit costs about $50,000.

PENTAGON COMMENT

[The Defense Department made the following response to Dr. Harvey's charges: "There are no weapons in the U.S. inventory which employ plastic fragments or pellets or which depend upon plastic projectile for fragmentation effects. No U.S. weapons are designed with the intent of making X-ray detection of fragments difficult or impossible, nor are weapons designed with the intent of making any medical treatment difficult or impossible."]

Dr. Harvey said that the plastic pellets penetrate the victims' bodies at 1,300 feet a second, creating such intense heat that they vaporize the flesh.

"They can fracture a bone without even making contact with it," he said. The wounded people Dr. Harvey saw all had multiple penetrating wounds caused by cubical pellets, he said.

The raid took place at about 9:30 a.m., and involved three waves of 20 aircraft flying about 25,000 feet, the doctor said.

VAPOR TRAILS

"It was impossible to see the planes," Dr. Harvey said, "though the sky was completely clear. I did see the vapor trails of the ground-to-air missiles being fired against them.

He said that six or seven brick-built thatched houses had been destroyed in the area he visited. Two people had been killed outright and 11 others injured, five seriously, he added. Later two of the injured died and another two bodies were located in the ruins.

The bombs dropped seemed to be an equal mixture of high explosive and antipersonnel. The latter, Dr. Harvey said, had no effect on property or structures.

"I dug some pellets out of the brickwork and they had only gone in about a quarter of an inch."

PUBLIC HOLIDAY

The other areas attacked that morning were all within a mile or so of the city center.

"It was a public holiday and the streets were teeming with people. At the moment Hanoi has about five times the population for which it was originally designed. Later the authorities started evacuating women and children."

Dr. Harvey said that this was the only raid on the city while he was there—he left on Saturday April 22—though there had been one false alarm five days after the attack.

"So far as I could tell the morale seemed to be remarkably high and they carried on with my program as though nothing had happened. It seemed to me that the bombing had much the same effect in Hanoi as it did in London during the blitz: It just strengthened people's determination to struggle on."

[Sen. Mike Gravel (D-Alaska) charged in a news conference March 24 that such bombs were being used in Indochina. Sen. Gravel based his charge on information gathered by an anti-war group called Project Air War.

[Fred Branfman, director of the organization, said he had met a man whose factory manufactured plastic casings for bombs while looking for someone to make plastic models of other bombs used in Indochina.

[He said the plastics manufacturer had told him that he had a large contract from the U.S. Navy to make the plastic casings, and that the plastic was designed to splinter on impact into very small pieces.]

Mr. GRAVEL. Mr. President, the first article pertains to a doctor who had gone to North Vietnam. He is a British medical doctor and his name is Dr. Philip Harvey. He talked of the fact that he has visited an area less than a mile from the City Center Hotel in Hanoi. He said:

I saw the body of one woman—she was pregnant—and she had been riddled with plastic pellets from an antipersonnel bomb.

This is a new development. The pellets used to be metal, but now that they are using plastic it is impossible to locate the pellets by normal X-rays. They can be found with the use of ultrasonic vibrations, but the North Vietnamese do not have such equipment.

A full ultrasonic vibration unit costs about $50,000.

Dr. Harvey goes on to state the technical effects of what these pellets do as they travel through the body at a speed of 1,300 feet a second. He adds with respect to the bombing, "It was impossible to see the planes," meaning that the airplanes were so high—and this was in a clear sky—that you could not see them with the naked eye while in the process of being bombed.

On March 24 at a press conference, I informed the American people we were using such antipersonnel plastic bombs. At that time I had in my possession a letter from the Department of Defense stating we were not using these types of bombs in Indochina.

I made the charge at that time that we were. Of course, at that time I had no proof. This, I feel, is the proof of the situation. And this, I think, is every bit as dastardly as any assassination or attempted assassination—that we Americans, decent folk, could be party to this type of carnage, not in a senseless striking out, but in methodical, thought-out deliberate plan of killing people.

These plastic bombs are made not 30 miles from where I stand today. Thirty miles from here Americans make antipersonnel bombs and which, after a person has been hit, an X-ray cannot find. The harm that has been done cannot even be cured.

PERSONAL STATEMENT

Mr. GRAVEL. Mr. President, I would like to move to another subject.

I was in Alaska this last weekend, and on the first day of my arrival I was greeted with a screaming headline by a newspaper with the largest circulation in the State of Alaska, and that headline shouted out that Senator GRAVEL had broken the law.

This newspaper was quoting the distinguished minority leader, HUGH SCOTT of Pennsylvania, for whom I have deep personal affection and high regard. The Senator from Pennsylvania (Mr. SCOTT) apparently had made statements to the press that first, I had broken the law, second, that they were considering censuring me with a censure movement within this body, and third, that I possibly had possession of atomic secrets, and, of course, such possession of atomic secrets was punishable by death.

Mr. President, I would like to make clear that I asked this body for the release of and reading into the RECORD sections of National Security Study Memorandum No. 1, which showed—and it was not my viewpoint, but that of the authorities—that the President's actions in Indochina at that time would not work. I felt the American people should have this information. I had done it on another occasion with the Pentagon Papers. Both cases were occasions for some Members of the minority to talk in terms of censure.

I know of nothing I have done that would warrant that kind of talk, but I know that those who talk of censure possibly talk of it to intimidate.

I have been scrupulous in my actions, in my presence, and in my conduct, in the hope of bringing credit to this body, and I think, therefore, it is ridiculous to talk of something that is totally unwarranted. But I think there is another thing that is not so ridiculous, and that is when a distinguished leader of this body stands up and says another Senator has broken the law. I do not consider myself a law breaker and I do not want the image of being a law breaker. In the interest of good taste, and in the interest of an assiduous and religious application of the rules of this body—since we have a rule that disallows the impugning of a Senator's character or a Senator's State—I would ask the distinguished minority leader, who does not happen to be present, but I am sure my views will be given to him by the minority whip, to draw up a categorical list of particulars where I have broken the law. And if the Senator from Pennsylvania cannot come forward with a statement of where I have broken the law, I would like a public apology. I think I would be owed a public apology, and I think it would be proper. And if I have broken the law, then I would assume that those in the Justice Department will be prepared to take proper action.

So, Mr. President, I sit back and wait for the apology or wait for a bill of particulars as to the laws that I have broken, so that the people in Alaska and so that people throughout the United States can be apprised, very simply and very directly, whether either I am or I am not a lawbreaker. Otherwise they will have only false rhetoric which has the effect of character assassination.

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Alaska yield to me at that point?

Mr. GRAVEL. I am happy to yield if I have the time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. Will the Senator permit the Chair to lay before the Senate the period for the transaction of routine morning business, and then the Senator from Michigan will be recognized for 3 minutes? Will that be sufficient?

Mr. GRIFFIN. Yes.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, to proceed for 30 minutes, with statements therein limited to 3 minutes.

The Senator from Michigan is the first to be recognized.

PERSONAL STATEMENT (CONTINUED)

Mr. GRIFFIN. Mr. President, in respect to the statements made by the distinguished Senator from Alaska—and I understand he was addressing them to the minority leader rather than to the assistant minority leader—I suggest it might be helpful, if the Senator from Alaska wishes to have an apology—and perhaps he is entitled to one—if he would assure the Senate that the memorandum classified "Secret" which came into his possession was not stolen property, as was charged or suggested, if he would indicate to the Senate where he got those papers, and if he would deny to the Senate that he is an accessory after the fact.

I do not charge the Senator from Alaska with anything. However, a question concerning the source of the memorandum was put to the Senator in a secret session, the proceedings of which later were made public, and he did not answer the question, which was his right to do. But if he wants an apology, certainly he would provide that information.

Furthermore, I have read in the newspaper—and I know nothing about the facts—that the Senator from Alaska delivered to a Member of the other body the classified document and requested that Member of the other body to put it in the RECORD. Apparently that has been done.

I wonder if the Senator from Alaska would either confirm or deny that as a fact. Perhaps the Senator from Alaska would be entitled to an apology if he had the facts. But the Senator has not answered some of the appropriate questions.

Mr. GRAVEL. Mr. President, will the Senator yield within the 3 minutes?

Mr. GRIFFIN. I yield.

Mr. GRAVEL. On this matter, I delivered several copies to Members of the House of Representatives. I think they have the right to see them. I think they have the same rights and prerogatives as I do. What the Representative from California decided to put into the RECORD was due to his own decisionmaking. All I was a party to was giving him the copies. I gave copies to several other Congressmen, who stated they were thinking of putting them in the RECORD. That was entirely up to them.

With respect to the sources of these documents and the author of these documents, it is Henry Kissinger. That is the important part of it. When a page delivers to me some papers, I do not ask the page's name. I am not concerned with the page's name. I am concerned with the veracity and substance of the document itself. Obviously the documents are Government property. I am a Government official. If I am not entitled to that type of Government document or information of this kind, there is something very wrong in this society and this supposed democracy. With respect to my furnishing names to the minority leader and to the minority whip——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator. It is very simple, and if I gave the name today, the Justice Department would have this person indicted before the week is out, because the present Government we have is one which is a Government of persecution and prosecution. The very reason they are now proceeding is that they want to stop people from releasing classified information.

Mr. GRIFFIN. Now, Mr. President, if the Senator will yield me some time of my 3 minutes——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the time.

Mr. MANSFIELD. Yes.

Mr. GRAVEL. I yield to the Senator from Michigan.

Mr. GRIFFIN. If the Senator from Alaska means that the person who delivered the documents to him could be indicted and prosecuted, and there is some basis for that, then I think it is unfortunate that the Senator from Alaska does not cooperate in enforcing the law.

I have in my hand an article published in the Washington Post of Friday, May 12, written by Spencer Rich, from which I shall quote one sentence and then ask that the entire article be printed in the RECORD.

Dellums initially said, "Gravel gave it to me and asked me to introduce it in the Record."

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, May 12, 1972]

GRAVEL END RUN: DELLUMS PRINTS PAPERS

(By Spencer Rich)

While the Senate was battling furiously during the past week over a request by Sen. Mike Gravel (D-Alaska) to put a secret 1969 report on Vietnam into the Congressional Record, Rep. Ron V. Dellums (D-Calif.) quietly obtained a copy of the 500-page document from Gravel and placed a third of it in the Record without a single objection being voiced.

The remaining two-thirds was held up one day because of a heavy work load at the Government Printing Office. It is scheduled to appear today.

The incident is likely to escalate the already-bitter anger felt by many senators against Gravel—anger which has led to threats to censure him or to ask the Ethics Committee to look into his conduct. Both Dellums and Gravel's office concede that Dellums obtained the document from Gravel.

The Senate struggled through two secret sessions last week on Gravel's request to print the document, which was prepared by Henry A. Kissinger for President Nixon early in 1969 and is still classified "secret." Gravel obtained a copy privately. The Senate never did give Gravel permission, and fresh talk of censure or Ethics Committee disciplinary action was voiced by Minority Leader Hugh Scott (R-Pa.) only yesterday merely because Gravel had read a few pages in the Record on Tuesday without notice.

Scott and others—already angry because Gravel a year ago released a classified version of the Pentagon papers at a hastily called subcommittee meeting—contend a senator violates his trust by releasing classified materials.

While all this was going on in the Senate, Dellums quietly obtained routine unanimous consent Wednesday to extend his remarks—a device to allow members to put materials in the back portion of the Record. He didn't describe the material at that time. He later placed in the hopper for printing an anti-war statement accompanied by the entire 500-page document.

"I received unanimous consent to address the House and therefore everything is open and above-board," said Dellums in a phone interview.

Dellums initially said "Gravel gave it to me and, asked me to introduce it in the Record," but Dellums, aides said later that he had sought out Gravel and asked for the papers. Gravel's office also said it was Dellums who initiated the move.

"Nixon has carried out reckless acts and the American people are entitled to know what is in these papers," said Dellums. Gravel says the papers show that bombing can't defeat North Vietnam. Portions of the papers, obtained from private sources, have appeared in The Washington Post and other publications.

Mr. GRAVEL. I think this is not the first time, Mr. President, that we have had an inaccuracy in the press. I think Mr. Spencer Rich is one of the finest reporters in Washington. However, I have never actually communicated with Mr. RON DELLUMS. In fact, I do not think I have ever been introduced to Mr. DELLUMS. He communicated to my office a desire to have the papers, the papers were delivered to him, and that is as much as I have heard about it, other than what I have read in the newspapers.

I would think that would obviate the charge made by the distinguished minority leader that I am a lawbreaker, unless he is prepared to prove that, I would like an apology. What I have stated to the distinguished minority whip, I think, should refute that charge, and I fully intend to press for that apology, because either I am a lawbreaker or I am not. If I am not a lawbreaker, I want my character replaced intact. We have rules precisely

against this sort of thing. One does not go into the motives of a Senator or impugn his character; and to imply as has been implied on this floor, that I am a lawbreaker or not a patriotic person is a violation of the rules, and I intend to press for an apology.

CONGRATULATIONS TO THE APOLLO 16 ASTRONAUTS

Mr. THURMOND. Mr. President, it is a great pleasure for me to welcome to our Nation's Capital the three astronauts of Apollo 16—Capt. John W. Young, U.S. Navy; Lt. Col. Charles M. Duke, Jr, U.S. Air Force; and Lt. Cmdr. Thomas K. Mattingly, U.S. Navy.

Their great voyage to the moon and the exploits of their scientific expedition have brought them the esteem of the world and the admiration of their fellowman.

The trail they took into space has further inspired all of us to reach for greater accomplishments. Indeed the payload of rocks and soil they brought home has opened the door to vistas of knowledge about our solar system.

Each of the projects on their journey to the moon was a superlative. The potential for research in the 215 pounds of lunar rocks and soil they brought home is extensive. It is the greatest payload ever returned from an Apollo voyage. Our knowledge of the rugged terrain on the moon is greatly enhanced by the thousands of photographs taken during their hours upon our satellite planet.

All of us have taken a Sunday afternoon drive, but the one taken by John Young and Charlie Duke around the Descartes Mountains on April 23 showed us how rugged a drive can be.

Mr. President, America and the world are proud of these three fine men. They represent the best of courage and dedication. All of us watched with prayerful anxiety as they went about their assigned tasks on the lunar surface. They did their job well. The long months of exacting and arduous training culminated in yet another successful mission to our nearest heavenly neighbor.

While I share the Nation's pride in this three-man team, I have a special interest in one of them, Colonel Duke, who happens to be from the fast growing and progressive city of Lancaster, S.C. His mother, Mrs. Willie Waters Duke, was born in Johnston, S.C., a modern and forwardlooking city in my old home county of Edgefield. Colonel Duke is descended from outstanding people on both sides of his family, his father, Charles M. Duke, Sr., bears a fine reputation for character and integrity. Colonel's Duke's twin brother, Dr. William W. Duke, is an eminent physician in Lancaster and his sister, Miss Detsy Duke, has just graduated in nursing from the University of North Carolina. Since I have known Colonel Duke and his family for many years, I have always been impressed with his abilities and dedication, and I am very pleased that South Carolina could furnish one of its sons for this noble mission.

It was my pleasure only today to report favorably from the Armed Services Committee the recommendation that he be promoted from lieutenant colonel to full colonel. This is a well deserved and merited promotion as he has demonstrated his outstanding capabilities and leadership.

For all these astronauts who have demonstrated such great ability and performance I predict a bright future.

These men explored the moon for science and knowledge. We cannot say yet what secrets of the universe will be unlocked as a result of their dedication and that of the entire Government, industry, and university team which make up this Nation's space program. I am confident, however, that what they did will add greatly to our knowledge of ourselves and our environment—the universe in which we live.

Mr. President, as America now prepares for the last of the Apollo shots, we should consider the gains of our space program and provide for the next phases of space development.

Man has thrilled to the missions and exploits of these three men and their predecessors who have ventured out to the moon. Let us use these highly successful missions to build our knowledge and capabilities for the future.

It is with great pleasure that I welcome today the astronauts of Apollo 16 and express to them the gratitude of people throughout this country.

The ACTING PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

COMMITEE MEETINGS DURING SENATE SESSION

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON CONTRACTS NEGOTIATED BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by that Administration, for the six-month period ended December 31, 1971 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROSPECTUSES FOR CERTAIN CONSTRUCTION PROJECTS

A letter from the Acting Administrator, General Services Administration, transmitting pursuant to law, prospectuses for the construction of certain Federal projects (with accompanying papers); to the Committee on Appropriations.

NOTICE OF TRANSFER OF U.S.S. "LIONFISH"

A letter from the Assistant Secretary of the Navy transmitting, pursuant to law, notice of the proposal of the Department of the Navy to transfer the submarine U.S.S. *Lionfish* to the U.S.S. *Massachusetts* Memorial Committee, Inc., Fall River, Massachusetts; to the Committee on Armed Services.

ANNUAL REPORT OF THE OFFICE OF CIVIL DEFENSE

A letter from the Secretary of Defense transmitting, pursuant to law, the 1971 Annual Report of the Office of Civil Defense covering civil defense functions assigned to the Secretary of Defense (with accompanying report); to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for the calendar year 1971 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms, for the period July 1971–February 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT OF MERCHANT MARINE ACT OF 1970

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Merchant Marine Act of 1970 (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

A letter from the Assistant to the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORT ON CERTAIN GRANTS APPROVED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report concerning grants approved by that Office which are financed wholly with Federal funds, for the period January 1, 1972, to March 31, 1972 (with an accompanying report); to the Committee on Finance.

REPORT ON OMISSION OF THE EXAMINATION OF RECORDS CLAUSE FROM A NEGOTIATED CONTRACT

A letter from the Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, that the examination of records clause has been omitted from a negotiated contract between the United States Interests Section, Cairo, Arab Republic of Egypt, and an Egyptian company for medical insurance for Foreign Service local employees in Cairo would best serve the public interest; to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant

to law, a report entitled "Opportunities to consolidate Support Functions in the Pacific to Reduce Military Costs", Department of Defense, dated May 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "Follow-up Review of the Refugee Relief Program in Laos" (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for Legislation to Authorize More Economical Ways of Providing Durable Medical Equipment under Medicare", Social Security Administration, Department of Health, Education, and Welfare, dated May 12, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cleaner Engines for Cleaner Air: Progress and Problems in Reducing Air Pollution From Automobiles", Office of Air Programs, Environmental Protection Agency, dated May 15, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED GRANT FOR RESEARCH PROJECT

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant with Colorado School of Mines, Golden, Colorado, for a research project entitled "The Role of Minerals and Energy in the Colorado Economy" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT FOR SERVICES WITHIN THE NATIONAL CAPITAL PARKS

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Government Services, Inc. will be authorized to continue to provide concession facilities and services for the public within the National Capital Parks (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPT OF PROJECT PROPOSAL

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of an application for a loan from the Calaveras County Water District, California; to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT WITH THE BENDIX CORP.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the Bendix Corporation, Ann Arbor, Michigan, for a research project entitled "Standardization of Controls on Front-End Loaders" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED GRANT TO PENNSYLVANIA STATE UNIVERSITY

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant to Pennsylvania State University, University Park, Pennsylvania, for a research project entitled "Thermodynamics of Oxide and Silicate Phases of Importance in Extractive Metallurgy" (with accompanying papers; to the Committee on Interior and Insular Affairs.

PROCEDURES FOR CLASSIFICATION OF OVER-THE-COUNTER DRUGS

A letter from the Director, Office of Legislative Services, Department of Health, Education, and Welfare, transmitting, pursuant to law, Procedures for Classification of Over-the-Counter Drugs (with an accompanying document); to the Committee on Labor and Public Welfare.

PROPOSED MANDATORY RETIREMENT OF EMPLOYEES

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of seventy years of age and completion of five years of service, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

Resolutions of the Senate of the Common, wealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT CERTAIN PENDING LEGISLATION PROVIDING FOR A TAX-REVENUE-SHARING PLAN TO BENEFIT THE STATES

"Whereas, Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee of Congress, has, in pending legislation before the Congress of the United States, proposed and supported a federal revenue-sharing plan by which states would receive financial aid for local programs; and

"Whereas, The tax-raising capacity of the federal government should be employed to aid the high costs of state and local expenditures; and

"Whereas, The present revenue-sharing legislation proposed by Representative Mills strikes a balance between the financial need of the federal government, the states and the cities; and

"Whereas, The commonwealth of Massachusetts and other urban states in the United States are facing a tax crisis and rising costs of basic public services; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact the revenue-sharing plan of Representative Mills, thereby increasing the proportion of public expenditures for domestic purposes while reemphasizing community control of tax dollars collected; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, April 24, 1972."

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

"SENATE JOINT RESOLUTION 1008

"A joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, the Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the States and reads:

"'JOINT RESOLUTION

"'Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

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

"' "ARTICLE ——

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

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

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

"Be it resolved by the General Assembly of the State of Iowa:

"That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

"Be It Further Resolved that the Governor of the State of Iowa forward certified copies of this resolution over the Seal of the State of Iowa to the Secretary of State of the United States, to the Presiding Officers of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the administrator of the United States General Services Administration.

"Approved April 21, 1972."

A letter, in the nature of a petition, from William J. Bleisch, of Chula Vista, Calif., praying for a redress of grievances; to the Committee on Finance.

A telegram, in the nature of a petition, from the Law Student Association of the University of Chicago Law School, Chicago, Ill., expressing concern to the advisability of the Vietnam ultimatum of May 8; to the Committee on Foreign Relations.

A letter, in the nature of a petition, from Albert W. Becker, of Mesa, Ariz., relating to the matter of free speech; to the Committee on Foreign Relations.

Resolutions adopted by the Executive Board, Louisiana AFL–CIO, in support of a National Health Insurance Program; to the Committee on Finance.

Resolutions adopted by the Executive Board, Louisiana AFL–CIO, praying for the enactment of legislation relating to the welfare of the people; to the Committee on Labor and Public Welfare.

A resolution adopted by the Sons of the Revolution in the State of Louisiana, expressing condemnation of the action of certain Universities who ask that the ROTC be removed from their campuses; to the Committee on Armed Services.

A resolution adopted by the Sons of the Revolution in the State of Louisiana, expressing condemnation of individuals and TV and news media who endorse amnesty for draft evadors; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 13150. A bill to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes (Rept. No. 92–7903).

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

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 92–791) (together with minority views).

By Mr. NELSON, from the Committee on Labor and Public Welfare, without amendment:

S. 3617. An original bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 92–793) (together with supplemental and individual views).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment:

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 92–792) (together with supplemental and individual views).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Jeffrey M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System.

By Mr. THURMOND, from the Committee on Armed Services:

Lt. Col. Charles M. Duke, Jr., U.S. Air Force, for promotion to colonel, Line of the Air Force.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of 59 flag and general officers in the Army, Navy, and Air Force.

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

The nominations are as follows:

Lt. Gen. Fred M. Dean (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of lieutenant general; and sundry other general officers in the Army, Navy, and Air Force.

Mr. STENNIS. Mr. President, in addition, I report favorably 472 promotions in the Army in grade of colonel and below; 2,930 promotions in the Navy in grade of captain and below; and 4,712 promotions and appointments in the Air Force in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD I ask consent that the Senate waive the requirement of printing these names on the Executive Calendar in order to save the expense.

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

The nominations are as follows:

James J. Anson, and sundry other officers, for promotion in the Army, Navy, and Air Force.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

David R. Derge, of Indiana, Jewel LaFontant, of Illinois, and William C. Turner, of Arizona, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. FULBRIGHT. Mr. President, I also report favorably sundry nominations in Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD, and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators.

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

The nominations are as follows:

Richard J. Bloomfield, of Virginia, and sundry other persons, for promotion in the Diplomatic and Foreign Service.

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. CASE:

S. 3606. A bill to amend the Federal Aviation Act of 1958 in order to provide for passenger screening devices at airports served by scheduled air carriers. Referred to the Committee on Commerce.

By Mr. PASTORE:

S. 3607. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. HANSEN:

S. 3608. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 3609. A bill for the relief of Zenaida B. Maglague; and

S. 3610. A bill for the relief of Masayasu Sadanaga. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. MAGNUSON, Mr. PEARSON, and Mr. COOK):

S. 3611. A bill to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 3612. A bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for reform of the judicial system in the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 3613. A bill to amend title 38 of the United States Code so as to make presumption relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS (for himself, Mr. MAGNUSON, and Mr. RANDOLPH):

S. 3614. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3615. A bill to authorize grants to the D-Q University. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S. 3616. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes. Referred to the Committee on the Judiciary.

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

S. 3617. An original bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes. Ordered placed on the calendar.

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

S.J. Res. 234. A joint resolution deploring the attempted assassination of Governor George C. Wallace of Alabama. Considered and passed earlier today.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3606. A bill to amend the Federal Aviation Act of 1958 in order to provide for passenger screening devices at airports served by scheduled air carriers. Referred to the Committee on Commerce.

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill designed to strengthen America's defenses against aircraft hijacking by requiring the use of weapon detectors at all 531 commercial airports in the United States.

Unfortunately, the use of weapon detectors is only partial. While the Federal Aviation Administration requires them at 87 airports covering 90 percent of all passengers boarding planes, the remaining 444 commercial airports are afforded little, if any, such protection.

Clearly, this is an invitation to hijackers and extortionists to victimize flights departing from airports where weapon detectors are not a required part of the passenger screening process.

The weapons detector is an essential part of any passenger screening system that purports to be complete, I believe. The other parts of the system now in use, behavior and identification checks, develop what essentially are suspicions. The weapons detector can help to confirm whether the suspicions are real or not.

It is my belief that weapons detection equipment will be used at all commercial airports only when required by Federal law and when provided by the Federal Government. My bill, which amends the Federal Aviation Act, would do both, and, in addition, would provide for payment for the devices from the Airport and Airways Trust Fund.

Surprisingly, the cost is not great. To acquire and install weapon detectors, such as magnetometers, at all 531 commercial airports would run as little as $3.4 million, according to the U.S. Department of Transportation.

This is less than the ransom that has been asked for a single commercial jet. It is less than the total amount of money demanded by every hijacker-extortionist of recent vintage.

My bill will close a dangerous gap in the protection of commercial aviation against hijacking. I urge its prompt adoption.

Mr. President, I ask unanimous consent

that the text of my bill be printed in the RECORD after my remarks.

There being no objection, the 6:11 was ordered to be printed in the RECORD, as follows:

S. 3606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"Passenger Screening Devices

"(g) (1) In carrying out his functions pursuant to subsection (c) with respect to the protection of aircraft, persons, and property, the Administrator shall acquire and install passenger screening devices at all airports regularly served by air carriers certificated by the Board and provide for the operation of such devices under appropriate agreements with such airports. Such devices shall be designed to prevent or deter the carriage aboard aircraft of any weapon in the baggage or on or about the persons of passengers.

"(2) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed $5,000,000 for the purpose of acquiring and installing devices pursuant to this subsection."

SEC. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Passenger screening devices."

By Mr. HANSEN:

S. 3608. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project. Referred to the Committee on Interior and Insular Affairs.

THE MONTANA-WYOMING AQUEDUCTS

Mr. HANSEN. Mr. President, I rise today to introduce legislation authorizing the Secretary of Interior to conduct a feasibility study of the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project.

The Bureau of Reclamation has prepared an appraisal report on the Montana-Wyoming Aqueducts, and it is essential that a feasibility study be made in the very near future if we are to provide for well planned, sound and environmentally compatible development of the rich energy resources of southeastern Montana and northwestern Wyoming.

The Powder River Basin contains substantial deposits of low-sulphur coal which can be developed to meet the ever increasing energy demands of the American people. But development of these resources requires water. The Montana-Wyoming Aqueducts study will provide an opportunity to fully study all of the alternatives for providing the needed water. After all of the alternatives have been reviewed both on economic and environmental grounds, a decision can be made on how best to meet the needs of resource development with the greatest efficiency and least impact on the environment.

It is important that the Congress and the American people encourage orderly development of resources in the heartland of America. However, this approach requires lead time. Many of us are aware of the serious energy crisis this Nation is now facing. When the full force of an energy crisis strikes, there is great danger that energy resources may be hurriedly developed without thoughtful planning and control. That is why it is essential that we begin now to study and plan for the future if we are to prevent ill-considered action taken under great pressure at a later date.

The authorization of the Montana-Wyoming Aqueducts feasibility study is a primary step in providing for the present and future energy needs of the American people through quality growth. I urge the Congress to consider this legislation and act favorably at the earliest opportunity.

By Mr. CANNON (for himself, Mr. MAGNUSON, Mr. PEARSON, and Mr. COOK):

S. 3611. A bill to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation. Referred to the Committee on Commerce.

Mr. CANNON, Mr. President, I am today introducing legislation which is designed to prohibit a new, inequitable, and potentially chaotic burden of taxation on the nearly 200 million air travelers in this country. The legislation would prohibit the levying of State or local head taxes, fees, or charges either on passengers or on the carriage of such passengers in interstate commerce. The bill is in response to a situation which has been brought about by a recent Supreme Court decision, upholding passenger head taxes enacted by New Hampshire and by Evansville, Ind., for "aviation-related purposes." While this decision has invited State and local governments to enact head taxes or fees on air travelers, the Court decision does not provide adequate safeguards to prevent undue or discriminatory taxation.

In the wake of this decision, a rash of proposals varying widely in rate, scope, and applicability, has broken out throughout the Nation. It is significant that revenues from some of these head taxes would not be used to provide funds for airport construction or operation, but would be used to nourish general fund coffers. For example, in Philadelphia, a proposed city ordinance will be considered tomorrow, which would levy a tax of $2 per passenger on passengers both arriving in and departing from that city. The revenues would accrue to the city's general fund not the Philadelphia airport. Other cities as well have leveled their sights at air travelers who are convenient, vulnerable, and captive targets. Certainly, we can anticipate the proliferation of such action.

Mr. President, Congress must act to protect the American air travel consumer from such discriminatory taxation, in observance of an old axiom that "In levying taxes and in shearing sheep, it is well to stop when you get down to the skin." The Nation's air travelers are already being heavily taxed to pay for airport facilities and airways modernization. In 1970, Congress passed the Airport and Airways Development Act, creating an Aviation Trust Fund, financed by user taxes to up-grade the Nation's airports and airways. Every passenger in air transportation pays an 8-percent excise tax on the price of his ticket to support these developments. Total user tax revenues will reach about $693 million this year. Since this tax money is earmarked for airport and airway improvements, there is no need to add an additional burden of taxation on these travelers, and in fact, it would be a breach of faith for Congress to stand idly by while this is done by other units of government.

Mr. President, at the present time the average value of a round trip airline ticket in the United States is about $85. Therefore, the average traveler today pays a Federal tax of $6.80, the revenues from which are reserved for aviation facilities development. In 1970, while the Committee on Commerce and the Committee on Finance were considering this legislation, it was our firm intent that the Federal excise tax be the only tax on passengers in air transportation. While the Supreme Court has said that Congress did not preempt this field in 1970, it was certainly our intention, in my opinion, to do so. At that time several States and local governments had attempted to levy head taxes on passengers in air transportation and it was widely assumed because of lower court decisions and qualified legal opinion that such taxes were unconstitutional as an undue burden on interstate commerce.

Despite the views we heard in 1969 and 1970 and despite the fact that the Federal Government presently taxes passengers at the rate of 8 percent on airline tickets, the High Court has opened the door wide to multiple passenger taxation.

Something must be done, and it is fitting that the Nation's air travelers look to us for decisive action for this. In its decision, the Supreme Court seemed to invite congressional action for the Court pointed out that:

> At least until Congress chooses to enact a nationwide rule, the power will not be denied to the States.

The legislation introduced today, provides the vehicle for Congress to make it clear that it will not allow indiscriminate levying of burdensome head taxes on citizens traveling in interstate commerce. Nor will we allow the growth of our national air transportation system to be impeded by abandoning it to the chaos of discriminatory taxation on air travelers.

I am acutely aware of the financial anemia many units of local government face today. No doubt, some would want to rely on local head taxes to provide matching funds for airport development. The Senate Aviation Subcommittee is currently considering reshaping the Federal airport grant program by raising the Federal ratio of funding to 75 percent. This would ease the fiscal pressure on local units of government and make local airport financing easier. Nonetheless, the national air transport system is too vital and important a national asset to be burdened by willy-nilly, discriminatory State and local taxes.

Mr. President, timely action on this legislation is essential, in order to fore-

stall potential chaos in air transportation.

By Mr. HUMPHREY:

S. 3612. A bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for reform of the judicial system in the United States, and for other purposes. Referred to the Committee on the Judiciary.

THE NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, I and many other Americans are deeply concerned about the condition of our system of justice, especially its ability to protect the rights of all, while also protecting people from crime. One fundamental right is the swift and balanced administration of justice. The fast pace of social change has made necessary a continuing review of the effectiveness of our entire system of justice. Delays, inequities, and obsolescence appear to increase daily, burdening our courts, denying constitutional safeguards as well as the certainty of quick justice for the guilty.

We have never provided the means whereby our system of justice can be examined in all its parts. Yet legislatures continue to enact new laws on the ashes of the old—some 10,000 new laws each year—without, in most cases, the full examinations which would tell us of their potential impact. Our courts are seriously overburdened, our law enforcement mechanism everlessening in prestige, and our jails and prisons, institutions of higher education in crime.

Injustice, in a country so great and rich as our own, spawns many things. Injustice makes men violent. Injustice breeds contempt for our way of life. Injustice causes loss of faith in our Democratic institutions. We spend but a single dollar on justice research and development, for every thousand dollars on defense research and development. Justice has been too low, too long, on our priority scale.

Therefore, I propose the establishment of the National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

Research would be an important function of the National Institute of Justice, as would information gathering and dissemination. But the institute would go farther. Their review would culminate in the developments of objectives, and advice and assistance to accomplish these objectives. The Institute of Justice would not supplant existing State, local, or Federal entities, but it would both call upon them and be available to assist them, when requested. Nor would it require a large staff, since one of its prime functions would be to coordinate existing data, contracting from professionals in the field for research and evaluation expertise.

Our legal community has evinced a growing interest in such a concept. As Sargent Shriver wrote in a recent article.

The generation gap in the law is as evident as everywhere else.

Young lawyers are expanding the traditional concepts of their profession, and new ideas such as legal services and law apprenticeships have developed. Burt Early, executive director of the American Bar Association, calls for the creation of the National Institute of Justice and develops the concept in some detail in the April 1972, issue of the West Virgina Law Review. Previous attempts at legislation have always garnered the support of the legal profession, as they themselves have been frustrated by the inadequacies of our present system.

The five major functions of the institute would be:

A. To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations;

B. To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions;

C. To establish priorities, objectives, and continuing evaluation of the judicial system at all levels;

D. To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system; and

E. To advise, upon request, Federal, State, or local public agencies, professional legal societies, and/or members of the bar.

The National Institute of Justice would report periodically on progress and recommendations, including legislative changes, if indicated. It would be independent of partisan political activity, with its Director serving a 6-year term.

I believe that the concept of a National Institute of Justice can and will be a helpful focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all of our rights, and a heightened responsiveness to the age in which we live.

I ask unanimous consent that the text of the National Institute of Justice bill be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD the excellent article I have referred to, written by Bert H. Early, which appeared in the April 1972 issue of the West Virginia Law Review.

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

S. 3612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Justice Act".

POLICY AND PURPOSE

SEC. 2. In order to provide national direction and leadership that is responsible and responsive and in order to furnish advice to all levels of the judicial system in the United States, it is the purpose of this Act to establish a National Institute of Justice.

ESTABLISHMENT

SEC. 3. (a) There is hereby established an agency to be known as the National Institute of Justice.

(b) The Institute shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have distinguished careers in the field of law, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The term of the Director shall be 6 years. The Director shall be responsible for carrying out the functions of the Institute and shall have authority and control over all personnel and activities of the Institute.

(c) A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have distinguished careers in the field of law, without regard to the provisions of title 5, United States Code, governing apointments in the competitive service. The term of the Deputy Director shall be 6 years. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe, and shall act for, and exercise the powers of, the Director during his absence or disability.

FUNCTIONS OF THE INSTITUTE

SEC. 4. (a) In order to carry out the policy of this Act the Institute shall—

(1) undertake surveys, and collect, analyze and disseminate information relating to the operation of the judicial system in the United States at all levels, with particular emphasis upon information with respect to improvements and innovations in the operation of that system;

(2) conduct, either directly or through contracts, grants, or other arrangements, an evaluation of the principal sources of delay in the administration of justice, criminal and civil, designed to identify existing problems and to provide a diagnosis of new anticipated problems in the timely and efficient disposition of civil and criminal cases;

(3) establish priorities, develop objectives, and provide for the continuing evaluation of administrative actions by Federal and State courts and research programs conducted by or for such courts, concerning any aspect of the effective and timely operation of the judicial system in the United States;

(4) conduct, either directly or by way of grants, contracts, or other arrangements with institutions of higher education, law schools, bar associations, and other appropriate legal and professional associations, research and an evaluation of research in the operation of the judicial system in the United States with particular emphasis upon areas of that operation in which research has been neglected and areas of that operation where judicial reform is an important consideration;

(5) provide advice, upon request, to Federal, State, and local public agencies, to professional legal societies and to members of the bar;

(6) prepare at least annually, and at such other times as the Director may deem appropriate, a report concerning its activities together with such recommendations (including recommendations for additional legislation) as the Director deems advisable.

(b) In carrying out the functions of the Institute under this section, the Director may establish such laboratories and facilities as he deems necessary to be operated by the personnel of the Institute. With a view to obtaining additional scientific and intellectual resources available, the Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to any authority vested in it by other provisions of this Act, the Institute, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Institute, receive (and use, sell, or otherwise disose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable to advise the Institution with respect to its functions under this Act;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS–18 in the General Schedule under section 4332 of title 5, United States Code;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and non-compensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the Members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) make advances, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(11) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribe for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

PROHIBITION AGAINST POLITICAL ACTIVITY

SEC. 6. No officer or employee of the Institute shall take any active part in political management or in political campaigns and no such officer or employee shall use his official position or influence for the purpose of interfering with any election or affecting the result of any election.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Director, the National Institute of Justice.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(130) Deputy Director, National Institute of Justice.".

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "Institute" means the National Institute of Justice; and

(2) the term "Director" means the Director of the National Institute of Justice.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the West Virginia Law Review, April 1972]

NATIONAL INSTITUTE OF JUSTICE—A PROPOSAL

(By Bert H. Early *)

FOREWORD BY WARREN E. BURGER †

From his long experience and the vantage point of his unique position in the organized bar, Mr. Early has given voice to a great need—a great void—in our system. He correctly and carefully disclaims any thought of "homogenizing" the systems of justice, but rather presses for some central means to energize the valuable programs for improved justice now in being and to probe for new solutions. We spend more than two billion dollars annually through the National Institutes of Health and the country is better for it. But the social, economic and political health of the country must be fostered by a comparable facility to revitalize the faltering machinery of justice—and happily that can be done for a mere fraction of the NIH budget. Whether it is financed by private as well as public funds is not central to the proposal—the key is the *function* of such an institute.

Mr. Early's provocative article is advanced by him to stimulate debate. It deserves a wide audience and I sincerely hope it will be challenged and debated—vigorously—by the bar and the public.

I. THE PROPOSAL

The intent of this article is to advance a proposal for the creation of a new type of organization, national in scope and purpose, to marshal our resources and energies for an accelerated program of modernization of our system of law and justice to serve better the needs of over 200 million Americans.

Such an organization might be called *The National Institute of Justice*. At the outset, it should be clearly understood that the Institute would not conflict with or duplicate the Federal Judicial Center, the National Center for State Courts or other existing organizations. It would, rather, complement their activities and encourage a broader base of support. In broad perspective the concept may be stated simply: the establishment of a national public agency, governed by the most eminently qualified individuals available, and dedicated to the mission of giving national cohesion and increased public and private support to the now inadequate and piecemeal efforts directed toward improving the justice system at all levels. The National Institute must deal with the system of justice as a whole. That system consists of interlocking and interdependent components—substantive laws; procedures; legislative bodies; institutions for dispute settlement, such as courts and administrative agencies; law enforcement offices and agencies and corrections and rehabilitation facilities and services; and a host of individuals who work within the legal profession. The ultimate aim is to achieve a structure of civil and criminal justice that is more effective, expeditious and accessible to the present day needs of all our people.

The goal is unassailable. It was the dream of our founding fathers and it has been the aspiration of our nation's foremost leaders for nearly two centuries. And yet it has eluded us.

No less a figure in American jurisprudence than Roscoe Pound spoke prophetically of its elusiveness as early as 1906. In his historic paper, entitled *The Causes of Popular Dissatisfaction with the Administration of Justice*,[1] Dean Pound addressed the Annual Meeting of the American Bar Association with these words:

"I venture to say that our system of courts is archaic and our procedure behind the times.

"Uncertainty, delay and expense, and above all the injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible business man in the community. . . .

"But too much of the current dissatisfaction has a just origin in our judicial organization and procedure. The causes that lie here must be heeded. Our administration of justice is not decadent. It is simply behind the times. . . .[2]"

Again in 1937, more than thirty years later, in *Law: A Century of Progress*,[3] Dean Pound tolled the same ominous bell:

"Looked at superficially, many features of the legal order of today may well give us pause. . . . The multitude of regulations required by an urban, industrial society encountering the pioneer habits of self-reliance and private judgment which have come down from the past make the time seem one of disrespect for law. . . . The inadequacy of the judicial organization and legal procedure of the past century to deal with the mass of litigation arising in our great urban centers leads to widespread complaint and popular dissatisfaction with the administration of justice. . . .

"Questions of law have ceased to be local. We are so unified economically that no question is limited by jurisdiction and venue as questions used to be. Questions of law today are likely to be questions of business as well. Creative work cannot be done under limitations of party and jurisdiction and venue.

"Even less may the work of reshaping the law be left to occasional legislative commissions or to the intermittent and hurried action of judiciary committees. In such matters as procedure the judicial councils which have been set up so generally in the past decade will do much. *But the ministry of justice, which will take the functioning of the legal order as a whole for its province and give to the problems of peace the continuous study which is so generally given by governments to preparations for war, seems to be a long way off in the English-speaking world.*[4]"

Progress in the administration of justice has been painfully slow. It has failed to keep pace with a burgeoning, automated, electronic society that is increasingly urban, impatient and demanding. Indeed, the situation has taken on crisis dimensions.

This is not to say or to imply that there has been no progress. Indeed, there has been much. However, its hallmarks too frequently have been a patchwork of effort lacking

Footnotes at end of article.

focus, continuity and adequate funding. Notwithstanding accelerating efforts to improve the administration of justice, Chief Justice Burger, in his adress on the State of the Judiciary in July, 1971, was compelled to observe that:

"Essentially the problems of the federal courts, in common with state courts and indeed much of the entire fabric of our national life, are suffering from an accumulated neglect. This disrepair became an acute problem as the load increased, and we cannot ignore it any longer."

It is not the purpose of this article to dwell on the obvious and profund inadequacies of our present system of justice. It is rather to suggest that the evolution of our legal system makes it clear that vital elements still are missing. Those elements are focus, continuity, innovation, experimentation, and research, all melded under capable direction and with adequate funding. The catalytic agency to synthesize these elements can, in this writer's judgment, be a National Institute of Justice.

This article is then a document of advocacy. The historical details of our failure to attain the noblest purposes of our founding fathers are left to the legal philosophers and historians. It is sufficient to accept the fact of that failure as a point of reference and to move on to more promising methods that offer brighter hope for future progress.

II. A NATIONAL INSTITUTE OF JUSTICE

It is proposed that the National Institute of Justice take the form of an independent, not-for-profit, federally chartered corporation designed to coordinate and support the machinery of justice. It would be governed by a board composed of the most eminently qualified and widely representative individuals available. Its mission would be to make the administration of justice more fully responsive to the needs of our contemporary society.

Purposes of the institute

The primary purposes of the Institute would be as follows:

First, to provide direction and leadership that would be both responsible and responsive. The Institute would serve as consultant and advisor to all components of the machinery of justice at both federal and state levels.

Second, the Institute would provide a permanent body charged with the development of an overview of the law, with the establishment of priorities, with responsibility for the coordination of educational resources, research activities and projects of the organized bar.

Third, the Institute would serve as a fiscal agent to receive and disburse public and private funds for research, evaluation and action.

There is today no single body or individual in the federal or state governments charged with these ongoing overall responsibilities. Cooperation has improved between states and the federal government, but cooperation is not enough. Although each government has certain officers in each branch responsible for specific areas of the administration of justice, each limited by constitution or statute to only a part of the law's sweep. It seems clear that the three branches of government should have the benefit of the research, counsel, advice and recommendations of an agency that has the primary mission for and a continuing commitment to the improvement of the quality of the legal system as a whole.

Functions of the Institute

It is envisioned that the proposed Institute would perform the following functions:

1. Survey, Appraisal and Information Collection and Dissemination Function

It would be essential that the Institute undertake and maintain an ongoing survey and appraisal of the functioning of the legal system and of the principal efforts to modernize, reform and reconstitute legal processes and the administration of justice. The task of determining what has been and is being done by the federal, state and local governments, private foundations, law schools, interest groups, professional organizations and other educational institutions is a task of great magnitude, but is essential to any coordinated effort directed toward modernization and reform.

The collection and dissemination of information about the operation of our society—*a law society*—is presently conducted by a variety of federal, state and local government agencies, private foundations, the organized bar and private institutions. The present efforts are uncoordinated, frequently incomplete, redundant and permeated with frustrating, circular reference systems. The creation of a National Institute of Justice would, for the first time, provide a single source from which comprehensive and complete information might flow. The Institute could provide an invaluable national link among governmental, private and professional interest groups directly or tangentially concerned with the same or closely related problem areas. The use of modern computer technology makes the goal achievable within a reasonable time and within our economic means.

2. Diagnostic function

The diagnostic function would have as its goal the discovery and evaluation of the principal bottlenecks in the flow of civil and criminal justice and the recognition of new problem areas as they arise. This function has never been assumed by any agency or organization in the country on a continuing and permanent basis. So little attention and money have been devoted historically to this funtcion that the legal profession is constantly in the posture of reacting to certain issues only after they have developed to crisis proportions. With an effective diagnosic function, problem areas can be dealt with more expeditiously and effectively.

3. Coordination function

Coordination would be one of the Institute's foremost roles. This necessarily includes the establishment of priorities, the development of long range goals and a continuing evaluation of the results of action and research programs of the various components of the law society, both public and private.

4. Research catalyst function

The disorganized and proportionately insignificant allocation of resources for legal research is evidence of the crucial need for a catalytic function of the Institute in this area. Although lack of sufficient funding is certainly one of the most crippling aspects of the anemic state of legal research in the nation today, a solution does not involve solely the infusion of more dollars. Continual inquiry must be made as to the value and relevance of research undertakings. The Institute could perform a highly valuable service as a catalyst in the development of areas in which research has been long neglected.

Most legal research of the past has been doctrinal research *in law*. However, studies have begun to appear which shed new light on the operation of the processes of law in society—research *about law*.[5]

5. Advisory function

The Institute could play a significant and effective role as an advisor to all branches of government and to the profession. Its recommendation, based upon research and analysis, would certainly tend to carry great weight.

Footnotes at end of article.

6. Continuity function

Perhaps one of the critical roles which the Institute would assume is to provide functional continuity for the modernization effort. History demonstrates clearly that continuity of direction and operation has been a principal weakness in the functioning of law and in the quest for more effective administration of justice.

7. Neutrality function

A seventh function of the Institute would be its mandate to insure neutrality. It should remain, as much as possible, free from political control of its decision making. While the rule of law in theory knows no party, the nature of our representative government inevitably brings political influences into the operation of the system of justice. An Institute governed impartially is both possible and essential.

Funding

It is contemplated that the Institute would be funded from both public and private sources. It would be both a grantor and a grantee of funds.

In its role as grantee, the Institute would be authorized to receive funds for its general administration, under contract for specific projects and programs and under grants for either specified or unspecified uses. As grantor, the Institute might serve as a funding agency for investment of public or private funds in research or action programs.

It is this writer's view that the creation by Congress of this Institute would not eliminate the continuing need for funding from numerous other sources including individuals, organizations, foundations and state and local governments. On the other hand, it is perfectly apparent to all who have examined the problem that the costs involved in modernizing the justice system—after generations of neglect—will be so large that additional responsibility for making funds available must necessarily rest with the federal government. As the Institute progresses in its survey function, it will only then be able to project accurately financial needs in a realistic way.

It should also be understood clearly that the Institute is not intended to supplant or put out of business existing agencies performing valuable work in the various areas of law and justice. Its aim will be to do more, not less. The Institute will be in a posture to provide a common rallying point for concerned individuals and organizational efforts to obtain congressional and executive response for projected needs.

Staff

It is contemplated that the Institute would have an interdisciplinary, broadly experienced professional staff of modest size. The staff, as directed by the governing authority, would not assume the functions presently performed by other organizations; rather, it would undertake functions not now being performed or being performed on a very limited basis.

It is not anticipated, for example that the Institute would itself be a large research organization. It would contract with universities, law schools, bar associations, legal associations, bar foundations, other professional organizations, private corporations and governments to carry out evaluation and research projects.

The staff would be responsible to and serve under the direction of a governing body which might be constituted as a Board of Directors.

Governing Authority

It does not seem desirable at this juncture to suggest the specific type, size, or constituency of a governing board. Suffice it to say that the governing body should be appointed for a term of years by the President with the advice and consent of the Senate. Ex-

officio members might include the Chief Justice of the United States and other high government officers. In all events, members of the governing body should be selected with due regard to their experience, knowledge and proven dedication to the mission of justice.

What the Institute Should Not Be

In any attempt to define what the National Institute of Justice should be, it is critical to inquire as to what it should not be.

The Institute should not usurp functions of existing entities. On the scene today are a number of public and private organizations dedicated to the modernization and efficient functioning of the law society. These include the Federal Judicial Center, the National Center for State Courts, the Law Enforcement Assistance Administration, the American Judicature Society, the American Bar Foundation and other private foundations of research and action in the field of justice, bar-related organizations and research centers. In its coordination role, the Institute would utilize existing organizations, and indeed nurture their further development and usefulness.

The role of the Institute would most certainly not include any attempt to federalize the state courts. Such a statement hardly seems necessary except for the extreme fear of some that action at a national level that involves funding by the federal government may be so motivated. It is contemplated that the Institute would be as much the servant of the states as it would of the federal government. If the Institute were to be successful, its reputation would depend upon its even-handed administration, its thoroughness and its understanding of the broad spectrum of problems in the administration of justice on the local, state and national levels.

It was said long ago and repeated many times since that the law is too important to be left to lawyers. The work of the Institute would be much to pervasive and too important to be other than interdisciplinary in its governing body, its staff and its concept.

The institute is envisioned as a cooperating, coordinatnig, and consulting organization that would make its resources available for the investigation, analysis and solution of legal and law-related problems. Thus, its staff would primarily perform consulting services, as opposed to having direct responsibility for the implementation of reform movements. In short, the staff would provide insight into ways that modernization resources might be utilized most efficiently.

Because the Institute would not be possessed with coercive power, its effectiveness could only develop as a result of its creativity and its applied expertise in fulfilling its functions. Only if the Institute proves capable of performing that function would its services be in demand or its recommendations be heeded.

III. STRUCTURES OF RESPONSE IN OTHER DISCIPLINES

The concept proposed in this article is not entirely new. Almost precisely fifty years ago Mr. Justice Benjamin Cardozo urged the creation of a ministry of justice.[6] He envisioned that a ministry consisting of five members might observe the law in action, develop recommendations for reform in the civil law and report to Congress and the state legislatures where change was needed. In making his recommendations, Mr. Justice Cardozo observed that his thought was not novel, pointing to the prior proposals of Roscoe Pond. Lord Westbury, Lord Haldane and others.[7]

Other proposals have been made in Congress in more recent years. The late Senator Dirksen and Congressman Emanuel Celler proposed the creation of a national foundation of law in bills submitted in 1967.[8] These bills were offered in full cooperation with the American Bar Association, the Association of American Law Schools and the American Association of Law Libraries. In both the 90th and 91st Congresses Senator Fred Harris submitted proposals for the creation of a National Foundation of the Social Sciences.[9] Senator Harris' proposal envisioned a foundation designed to support academic research, education and training in the fields of political science, economics, psychology, sociology, anthropology, history, law, social statistics, demography, geography, linguistics, communications, international relations, education and other social sciences. In presenting his bill, Senator Harris called particular attention to the fact that his proposed foundation would perform no in-house research, but would, in keeping with the precedents set by the National Science Foundation and the National Foundation for the Arts and Humanities, underwrite, fund and support academic research, education and training in the social science field.

Appropriate inquiry might be made as to whether a National Foundation for the Social Sciences could adequately perform the functions of the proposed National Institute of Justice. The argument can be made quite forcefully that the interdisciplinary atmosphere of an organization devoted to the social sciences might indeed have a statuary effect.

This proposition has been thoughtfully analyzed by Robert B. McKay, Dean of New York University Law School, when he made the following observation: [10]

"[S]ocial scientists do not regard law as a kindered discipline. Accordingly it seems likely that in a social sciences foundation the law would always be the poor relation and that the important tasks we believe should be undertaken would not be supported except where there was an interdisciplinary study to be made in which law could play a complementary, but secondary, role."

With respect to the Dirksen-Celler proposals of 1967, it should be made clear that the leadership of the American Bar Association played a very significant role. Indeed, the leadership of the ABA, the Association of American Law Schools and the American Association of Law Liberties actively solicited the support of Senator Dirksen, Congressman Celler and their colleagues in both the House and Senate in support of that proposal. Why then, it may be asked, after four years has the proposal not been more actively pursued by the associations to the point that it might even today already be a reality. Such legislation commonly requires a germination period. At the time the Dirksen-Celler proposals were introduced it was assumed that it would take a number of years to bring about the adoption of them or similar legislation. Indeed, the history of the several models described above indicates that this has been the pattern in each case.

The present proposal is thus not reflective of any abandonment of the broad principles contained in the original Dirksen and Celler bills, but is rather reflective of the refinements in thought that have evolved during the past four years. Indeed, it is recognized that there may be other refinements of the concept suggested from many sources before any proposal becomes a reality.

Both the Dirksen and Celler bills and the Harris bills envisioned the creation of their proposed foundations as independent administrative agencies of the federal government—one of four general types of independent government or government funded entities. These are the independent administrative agency, the government owned corporation, the federally chartered not-for-profit corporation, and federally chartered profit making corporation. The National Institute of Justice is envisioned as a federally chartered not-for-profit corporation.

Existing models of independent administrative agencies are the National Science Foundation and the National Foundation of the Arts and Humanities. An example of a federally chartered not-for-profit corporation is the Corporation for Public Broadcasting.

The National Science Foundation was created to strengthen both research and education in the natural sciences. It was brought into existence as the result of a report prepared at the request of the President describing how best to develop a national science policy and to support basic research and education in the natural sciences. The report was submitted in 1945 by Dr. Vannevar Bush, Director of the Office of Scientific Research and Development. It recommended the establishment of an independent federal agency composed of members to be selected by the President. The establishment of the National Science Foundation took some five years after submission of the Bush report. The Foundation is authorized to make grants to institutions and provide fellowship programs for individuals; it now receives about a half-billion dollars annually for its work.

The National Foundation of the Arts and Humanities was created to encourage and support the humanities and the arts through studies and grants. It was many years aborning. In 1951 President Truman requested a report on the status of the arts with respect to government. Two years later a report was submitted to President Eisenhower and in 1962 President Kennedy urged approval of a measure establishing a federal advisory council on the arts. Proposals were made in the next two years for a national council on the arts and a national arts foundation. In 1964 the National Council on the Arts was created and in the following year the National Commission on the Humanities joined forces with the Council to bring about the creation of the National Foundation of the Arts and Humanities. The Foundation has certain unique qualities of organization that are not here relevant. Its importance lies in the fact that responsible individuals in the field envisioned an independent agency modeled along the lines of the National Science Foundation, which would provide general support for research and education in the humanities. There appeared to be no other logical place within the federal establishment to provide a home for the arts and humanities.

The Corporation for Public Broadcasting was created in 1967 following a study by the Carnegie Commission on Educational Television. While acknowledging the free speech dangers implicit in government participation in the communications media, the Commission recommended extensive federal funding for television program production. In terms of structure, it is significant that the Commission proposed the establishment of a federally chartered not-for-profit corporation which would be neither an agency nor an establishment of the United States Government. Under the enabling legislation the President of the United States, operating under certain guidelines, appoints the fifteen members of the Corporation's Board of Directors. The Corporation may receive funding from federal and other sources.

It was thought that the federally chartered not-for-profit corporate structure would most effectively provide the independence, continuity, funding and political insulation vitally needed for operation in this controversial and sensitive area.

Each of the foundations and corporations described above bears some similarities of purpose and function to the proposed National Institute of Justice. Each is designed

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to provide a home for a discipline or a profession with great public service commitment that will make possible a continuity of direction and leadership, will encourage development, research and education, will provide responsible funding grants and will insure competent, independent and neutral direction. Each of these provides an analogy and insight for considering the creation of a National Institute of Justice.

IV. THE MANY PRESSURES OF MULTIPLE CHANGE

An overview of developments within the profession emphasizes the need for the creation of a National Institute of Justice.

In addition, inquiry is justified as to whether any existing institution, or a combination of institutions, including the organized bar, are presently capable of performing along the functions deemed necessary for effective and comprehensive modernization.

Accordingly, some of the major areas of evolution in the modernization process are considered, followed by an analysis of the role of the organized bar in this process.

During the Twentieth Century the components of our machinery of justice—the courts, the practicing profession, legal education, the methods of practice, law related research—have too frequently lagged in their response to the problems and challenges of our rapidly changing society. Indeed, the practice of law in this country has been described as the last cottage industry. It should be observed that this has not been for want of concern on the part of dedicated lawyers, judges and numerous organizations of the profession. Rather, problems concerning the administration of justice and the practice of law have for too long been considered primarily the provincial concern of judges, lawyers and their constituent organizations. As has been described, in areas such as medicine, the natural sciences, and the arts and humanities, it was deemed in the national interest to create national organizations to foster development, research and innovation.

In contrast, the failure of this nation, until recently, to view problems concerning the effective administration of justice with sufficient seriousness to warrant a commitment of substantial resources from the federal government, has meant that those struggling to modernize the legal profession, legal education, and our justice machinery, have had to work with minimal funding wholly inadequate to meet the magnitude of the problems. We have too often gone in separate ways without carefully evaluating the merits and effectiveness of our efforts and without resources to interrelate results with the over-all problems of judicial administration. The inescapable conclusion one draws from most of these past efforts is that the approach has been comparable to trying to construct a space vehicle by assigning a thousand engineers, each left in isolation, to design one specific component with little comprehension as to how the components would function together when assembled. It may, therefore, be helpful to look briefly at certain components of the justice system in terms of the recognized needs of an urban society.

How law is practiced

In comparison with other vital aspects of society, the practice of law today and the basic methodology of the courts have changed relatively little from the days of Thomas Jefferson and John Marshall.

For many early nineteenth century lawyers the primary and often sole source of legal research and knowledge was Blackstone's *Commentaries*. And between 1790 and 1840 our courts produced only about 50,000 reported decisions. The next fifty years produced about nine times as many—450,000. From 1890 to the present the courts have added almost two million published decisions to our legal storehouses of knowledge. And this does not include the hundreds of thousands of new regulations which have been issued by administrative agencies or the approximately 10,000 new statutes adopted by legislatures each year.

New tasks and new demands have been placed on today's lawyer. The call for equal access to the machinery of justice and to professional legal counselling for the poor and for members of minority groups has created new demands to which the bar has responded. Increasingly, questions are being raised as to the adequacy of available legal services to middle income American families.

Inherent in the increased recognition and utilization of the courts as effective vehicles for social and political change has been the mounting pressure on the lawyers and his profession to promote and protect equally, due process, and the "public interest" for those who could not individually afford a lawyer's services. New opportunities for public service by younger attorneys have developed. Law firms and bar associations have been challenged to attain an even higher level of public service activity.

Unlike industry and government, lawyers have not been able to reduce appreciably the number of expensive man-hours they devote to routine legal tasks. With certain exceptions, which will be discussed later, the ideal of the profession has long been to provide custom-tailored services to each client. The sources of essential legal research—court decisions, statutes, and administrative regulations—have skyrocketed quantitatively. Lawyers' research has become increasingly costly, and it is the client who must pay for the straining shelves of law books and the expensive manpower necessary to extract needed materials in them.

Yet young associates and solo practitioners, still pore through indices, digests, cases, commentaries and looseleaf services in the same manner as their great-grandfathers. These laborious methods remain the primary information retrieval system of the profession.

To this day routine legal research remains largely untouched by computer technology. The reasons are probably less the limitations of the computer than the high capital cost of better legal indices for computer use and for programming millions of bits of information. This high initial cost has certainly been a major deterrent to extensive utilization of automated information retrieval.

Another characteristic of the legal profession today is its increasing specialization. The lawyer's image of himself as a generalist, fully proficient in the law as a whole, bears little relation to reality. New areas of legal practice and inquiry have been added steadily during this century, *e.g.*, labor relations law, federal tax law, civil rights law, antitrust law, and securities regulation law. Numerous other examples could be cited. The practicing lawyer today is constantly confronted with the problem of how little of the "seamless web of the law" he can hope to practice with proficiency.

The growing national uniformity of laws harbors profound implications for the profession and its admissions procedures. This century has been particular witness to the growing influence of federal laws and agencies regulating both man and his industry, labor and finance. The portion of a lawyer's time spent on matters regulated solely by state law has declined steadily. Suffice it to say that many practitioners today devote most of their practice to federal matters which were unknown 75 years ago.

The move toward modernization: An unfinished saga

The American Bar Association and the legal profession as a whole have in recent years devoted increased time and resources to consideration of methods for modernization. There exists a growing awareness in the Bar that the profession as traditionally structured has not met many of the legal needs of individual citizens. Changes in society as a whole have exerted certain but incalculable pressure on the profession to change. They have been affected by the emphasis upon research and innovation and by the increasing demands first of the poor and now of the middle class to share in the benefits of an affluent society, including quality professional services of the doctor and lawyer.

Issues with respect to the modernization of the profession have arisen in two broadly defined areas. First, issues concerned with the internal organization of the legal profession, including specialization, use of paraprofessionals and computer technology are increasingly being considered. Second, issues related to the delivery of legal services to individuals are undergoing intensive scrutiny. These include, *inter alia*, prepaid legal cost programs, group legal practice, legal aid and judicare, and lawyer referral services.

Specialization

Specialization in the legal profession is a fact of life. A proportionately smaller number of lawyers today practice alone or with one partner—the standard form in rural small town America—the America of the Nineteenth Century. Industrialization and urbanization brought the growth of large industrial, financial and governmental organizations. As these institutions grew, so did the law firms which provided them with legal services. As large law firms developed, the lawyers within them often began to specialize and to organize into departments in order to provide better services to the client. Large corporations promoted specialization in the legal profession by employing lawyers as corporate counsel to serve the highly specialized legal needs of the corporation. The growth of widely diversified and specialized government agencies resulted in the need for large numbers of attorneys to work in the agency's specialized area. Government has become a vast training ground for specialized legal practice. As a result of these changes in the structure of the profession, over twenty percent of the lawyers who practice in the United States today are "one client"—government or corporation—lawyers. The move toward specialization also has affected the single practitioner and small firm. Specialties such as personal injury litigation, criminal law, domestic relations, and labor law are increasingly areas of specialization for the single practitioner or small firm lawyer.

While the de facto growth of specialization has been recognized both within the profession and by its clients, the bar has only begun to cope with the implication, opportunities, and problems of the formal recognition of specialization. Much experimentation will be necessary concerning certification requirements, e.g., the roles of law school curriculum, "internship" or apprenticeship, continuing legal education and graduate law study in training for a specialty. The area of examinations in specialty certification is still largely unexplored. No state as yet has developed a comprehensive specialist certification procedure, although California presently is experimenting with a certification system for specialists in workmen's compensation, tax law and criminal law.

The implications of specialization also remain largely unexplored. Careful study and thought must be given to the role of the general practitioner in an era of increasing specialization. A determination must be made as to the appropriate mix of formal education and practice for training in various fields of specialization. For example, it may be reasonable to require a litigation specialist to have more courtroom experience than classroom experience. The mix of the practical and the formal education for a tax expert may be quite different. Heretofore, the resources for exploring these questions have been woefully lacking.

Paraprofessionals

The case for greater utilization of paraprofessional legal assistants was well stated by the ABA Special Committee on Availability of Legal Services, which observed that: "freeing a lawyer from tedious and routine detail, thus conserving his time and energy for truly legal problems, will enable him to render his professional service to more people, thereby making legal services more fully available to the public."

Traditionally lawyers have used clerks and secretaries as assistants for handling administrative aspects of the practice of law such as filing papers, searching court records, preparing forms, and other routine tasks. As the profession strives to extend legal services to more and more individuals in lower and middle income groups, the occasions in which routine operations may be performed by trained lay assistants will be multiplied.

The ABA Special Committee on Lay Assistants for Lawyers recently conducted a pilot training program for legal assistants and is developing model curricula for training law office personnel. The future for the development of educational programs for such training in colleges and law schools and of certification standards and procedures for this new vocation are virtually unlimited.

New systems for delivering legal services to individuals

The profession is in a state of ferment with respect to the development of new systems for the delivery of legal services to persons of moderate means and to the disadvantaged. There are genuine considerations of professional standards concerned with independence of the attorney and with conflicts of interest. Serious questions have been raised as to whether the present pattern of providing legal services to individuals is adequate to enable the average person to know when a problem confronting him is one in which a lawyer can help; to know whether the lawyer's service is worth its cost; and to locate a lawyer he is confident can and will provide the expert legal assistance he needs, at a cost he can afford. The conclusion is unavoidable that the profession, as presently structured, does not adequately meet these criteria, to serve low and middle income people.

Pressures of change have come from several sources. In the 1960s the Legal Services Program of the Office of Economic Opportunity was created, as a result of the widespread recognition of the inadequacy of the then existing legal services delivery system for low income Americans. Today about 2,000 legal services attorneys are handling approximately two million cases each year for the poor. The same questions are being raised now of the adequacy of legal services available to individuals above the poverty line—those in the middle and lower-middle income groups.

Probably the greatest force today behind the development of new systems to make legal services more readily available to middle income groups is the trade union movement. Labor organizations have obtained, through collective bargaining, substantial medical coverage benefits for their members in the form of insurance and group practice programs. It was predictable that they would also turn their attention to legal services available to their members.

Group legal services

The term "group legal services" as discussed here connotes a plan in which a group or organization designates one or more lawyers to represent individual members of a group. Numerous group legal service plans are operating today, frequently under the sponsorship of unions.

These plans have created continuing controversy within the legal profession. However, the issue no longer primarily revolves around whether such plans may be allowed to exist. The United States Supreme Court, in a series of decisions, the most far-reaching of which was *United Mine Workers* v. *Illinois State Bar Association*,[11] has shielded such arrangements against charges of unauthorized practice. One commentator has stated that the holding in the *Mine Workers case* makes it "difficult to conceive a practical and attractive group legal arrangement that would not be protected by the rule it announces." [12]

Group legal services have been around for some time. Certain forms of group practice have been accepted by the profession. Probably the most common group legal service arrangement is in the automobile insurance industry. Individuals protected by automobile casualty insurers must, in the event of a claim, accept counsel of the company's choice. In addition, the legal needs of the poor served through the OEO-funded Legal Services Program are primarily met by a group legal services structure. A substantial amount of additional study and analysis must be performed to determine the effectiveness of group legal services plans. But the need for new methods to better meet the legal services requirements of large numbers of people can be said to constitute one of the most pressing problems facing the profession today. The Bar can ill-afford to ignore the reality of group legal service programs; a brochure published by the ABA Standing Committee on Lawyer Referral Service has observed that "the time may well come when a majority of the general public will receive all needed legal services from lawyers provided by lay organizations."

Prepaid Legal Cost Insurance

Another change in the structure, primarily in the funding of legal services for the middle class, has been embryonic development of prepaid legal cost programs. Examples of the growth and success of hospital and medical insurance plans have raised the question of the feasibility of financing legal services generally through pre-payment plans. The funding of "routine" legal services under this concept is, strictly speaking, a pre-payment or financing mechanism rather than a spreading of the risk. The automobile insurance industry has long had experience in calculating the cost of legal services as part of the insurance premium; but this has been primarily coverage for legal catastrophe. As yet we have had little experience with prepayment mechanisms for routine legal services.

The American Bar Association Special Committee on Prepaid Legal Services is sponsoring a pilot program in Shreveport, Louisiana, in cooperation with the Shreveport and Louisiana State Bar Associations, which has been in operation since January, 1971, with Ford Foundation funding. The Committee is undertaking sponsorship of a pilot program in Los Angeles, California, which has not yet begun operation. Prepaid legal service programs are attractive to trade unions, and other consumer groups, including teachers and municipal, state and federal employee associations. However, problems concerning such sponsorship are myriad. For example, employer contributions to such plans are presently not authorized under the Taft Hartley Act. Unlike health and medical service benefits, contributions to these plans are not tax deductible. Whether state insurance departments will consider prepayment plans as insurance for the purpose of state regulation is not presently known. These and other questions require further exploration.

Many members of the organized bar see prepaid legal cost programs as a vehicle for providing more effective legal services for individuals without placing a lay intermediary between the attorney and his client. Inded, due in large part to efforts of the Association, twenty-three state bar committees have been established to explore the establishment of prepaid plans.

Lawyer Referral Services

Although lawyer referral systems have been in operation in the United States since 1937, there are today only 267 lawyer referral offices in operation, dealing with approximately 250,000 clients each year.

The present system bears some similarities to the legal aid system as it was constituted prior to the introduction of the OEO Legal Services Program. It is typically under-financed, inadequately advertised, and underutilized. To be sure, the present system is making a substantial day-to-day contribution to the availability of legal services to the public, but those who have given the most penetrating consideration and study to the problem are generally dissatisfied with the capacity of the present system to meet the much wider unfilled needs of middle-income families. The ABA Standing Committee on Lawyer Referral Service has indicated that a major problem is to provide some assurance to the public that the quality of service which an individual will receive would be significantly better than could be accomplished by selecting a lawyer at random from the yellow pages of the telephone book.

Judicare

The OEO Legal Services Program has almost exclusively utilized the approach of funding offices staffed by attorneys employed to perform legal services for the poor. Only a few OEO-funded programs permit the client to select a private practitioner who is then reimbursed by the funded agency. This system is known in the profession as "Judicare," and its supporters argue with considerable logic that it is the only practical method of providing legal services in rural and sparsely settled areas.

The need for evaluation of methods

Thus, there is a pressing need to intensify the study of the effectiveness and relative cost of new and old systems for the delivery of legal services. The basic obligation of the profession is to provide legal services to the public, to make such services available to all members of society, and, in so doing, to insure that they are performed by qualified persons who have been adequately educated.

Legal education—Law schools in lockstep

Law schools are today in a period of profound soul searching and re-evaluation. With striking uniformity they have followed curriculum and teaching methods developed in the late Nineteenth Century. Most are now revising their curricula to introduce more effective methods of educating and training lawyers to deal with the problems of the late Twentieth Century.

Traditionally, the source of most law school teaching materials has been appellate court opinions. Of course, any practicing lawyer knows that the world of the appellate court opinion is often a considerable distance from the real world of most legal practice. Until recently there was little innovation in law school teaching methods and content. The case method of teaching long reigned supreme.

It has been suggested that the complete lawyer should receive three types of education which may or may not be subject to combination. He should be taught to analyze the legal significance of issues. He should be taught techniques of practice. He should learn the social, political and economic dynamics of our society inasmuch as the law is the basic regulator of these dynamics. Traditionally too, law schools have seen themselves as educating prospective lawyers to *think* like lawyers, leaving to others education in the technique of practice. Clinical

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teaching was relatively rare, with legal writing reserved, in the main, for the law review editor.

Until recently little concern was evidenced over the failure of legal education to familiarize prospective lawyers with how society works. But today, law schools are profoundly involved in a re-evaluation of their role and responsibility to themselves and to society as a whole. Law schools are increasingly concerned with the relevance of their curricula. This concern has produced new courses and orientation. There has been increasing concern with interdisciplinary aspects of legal education. Clinical training is increasingly supplementing the traditional classroom curriculum.

In the past a major limitation of experimentation with curricula and teaching methods was the view, perhaps accurate, that most law students were headed in the same direction, *i.e.*, toward traditional private practice. Law schools today are faced with a far greater diversity of student interest. This is due in part to expanded opportunities for legal practice in government, legal aid, and other full-time public service activities, and to the increasing specialization of private practice. Teaching has been oriented to training legal generalists on the theory that even a specialist needs to know something about other areas of the law. However, the reality of specialization has raised questions about whether there is a role for law schools in the training of specialists. Moreover, continuing controversy revolves around the relevance and use of the third year of law school. Clinical training, interdisciplinary studies and specialization are all increasingly vying for that last year of the law student's education.

Increasingly, law schools are asking whether they should break the uniformity of past patterns and begin to develop specialties and particular emphasis, *i.e.*, should urban law schools emphasize urban legal studies with perhaps a greater research and behavioral orientation.

Three major barriers have served to retard experimentation with new curricula: the conservatism inspired by the success of the case method in its time; bar examinations; and funding. The so-called "national" law schools are perhaps most affected by the first factor, because they have been most successful by traditional standards of legal education. On the other hand, although the national law schools have not oriented their course primarily toward bar examinations, the majority of schools have been sensitive to that practicality. Undoubtedly, tradition-bound bar examinations have discouraged innovation in law schools. Some experimentation with a national bar examination is now going forward under the auspices of the Association of American Law Schools and the National Conference of Bar Examiners. This effort is being widely applauded and carefully observed.

Formal education in the law is still a remarkably young idea in this country. In fact, it has only been in the last half century that the majority of practicing lawyers have been trained by law schools. Historically, young aspirants to a legal career "read law" in the office of a licensed practitioner, and the requirement of formal legal education as a prerequisite to taking a bar examination is a comparatively recent development.

Many law schools had their beginning in the basement of a YMCA and as night schools catering to the part-time student. A large number of schools were started as proprietary institutions and there remain a surprising number of such institutions, especially in the State of California. Among the low-budget proprietary operations large classes are the normal mode of operation. It is also true that even the law schools forming a part of universities are expected to produce a profit. The notion of a university law school receiving research and educational grants from its parent organization generally has been a foreign thought. As an inevitable result, curricular innovation, including greater clinical and research programs, which would require significant increases in law faculties, facilities and funding, have been slow to develop.

Research by law school faculties and students has, over the years, been minimal, especially as compared with other disciplines. That which has been undertaken has largely been of a doctrinal nature.

The history of the funding of legal education and research from private sources suggests that significant change in the foreseeable future is unlikely, unless new and substantial sources of income are made available.

Continuing legal education

Continuing legal education has in recent years become a significantly more important component of the lawyer's training.

This, too, reflects a recognition of the incompleteness of law school education as preparation for legal practice.

The early efforts of the Practising Law Institute and the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association paved the way for rapid growth of programs of continuing legal education. Such programs are now widespread. Today most state and some local bar associations, as well as many law schools, sponsor continuing legal education programs.

Increasingly, the profession sees continuing legal education as at least a partial answer to a number of its problems. It is seen as a way of minimizing the learning which a new attorney might otherwise experience at a client's expense. It is looked upon as a method by which specialists can increase their proficiency and general practitioners develop specialties. It is an avenue for bridging the knowledge gap created every time major new legislation is enacted.

Funding is and will continue to be a major problem in continuing legal education. It restricts the types of programs which can be offered; programs must appeal to significant numbers of attorneys in order to pay for themselves. To a limited extent profitable programs can support the unprofitable ones, but this places serious limitations on developing programs for less profitable specialties or in areas of public service. The result is that these areas are likely to be neglected.

Two illustrations of education in the area of court administration are worthy of note. Until 1964 there did not exist in this country a school for state trial court judges. It was only with the inspired leadership of Tom C. Clark, then Associate Justice of the U.S. Supreme Court, and the infusion of substantial funding by the Kellogg and Fleischmann Foundations that the American Bar Association's National College of the State Judiciary became a reality. More than 30 percent of the state trial judges of courts of general jurisdiction have since attended the college.

Until last year there was no institution in the United States for the education of court administrators and executives. Under the leadership of the Chief Justice, Warren Burger, and with a large grant from The Ford Foundation, the Institute for Court Management was created. It already has graduated two classes and has inspired some law schools to undertake the development of programs leading to a master's degree in Court Administration. It was a large factor in persuading Congress to enact the Court Executives Act creating "business managers" for each of the Federal Circuits.

Regulating professional qualifications

The state has conferred on the lawyer the exclusive right to provide legal services. Yet neither the profession nor the state has developed a procedure for admitting attorneys to the bar which assures the public that those who are licensed to practice have achieved a reasonable level of competency or possess the necessary moral qualifications. It is fair to say that there is near consensus within the legal profession that state bar examinations do not truly test whether an applicant is competent to practice law. Indeed, no law firm would base its decision to employ an admittee on the strength of his passage of such a written examination. The plain fact is that no written test can measure the ability of an applicant to perform many of the facets of practice. Furthermore, while specialization is a growing reality in the legal profession, bar examinations do not reflect this fact, and at the present time there is no later certification procedure regulating such specialization.

Many are of the view that the regulation of professional qualifications is not the concern of the law school. Some suggest that it is the responsibility of the organized bar. Others lay the responsibility on the judicial branch of the state government. In any event, it is certainly the responsibility of some group within the profession, and the plain fact is that professional competency is not now receiving sufficient constructive attention.

Research in and about law

One of the hallmarks of today's society is its reliance upon research as an instrument of development and progress and for the solution of problems. One need look no further than his television set to observe the constant emphasis on research in the advertisements of program sponsors. Typically, one hears such slogan as "progress through research;" "Ford has a better idea;" "progress is our business;" etc.

Insofar as research in the law is concerned, it may be divided into two types: doctrinal and empirical. They have been described by Professor David Cavers of the Harvard Law School as research in law and research about law. In the field of doctrinal research, or research in law, the legal profession has historically made important contributions. This kind of research required little money and could be traditionally performed in the library. This was pointed out by Dean Robert B. McKay of New York University Law School in his testimony before the Senate Subcommittee on Government Research [13] in which he observed that lawyers have made great progress in systematizing and unifying the law through their doctrinal research. This has been true despite the obstacles presented by a diverse federal system comprising more than fifty separate jurisdictions. By way of illustration, Dean McKay pointed to the substantial contributions of the American Law Institute and the Commissioners on Uniform State Laws as examples of what lawyers could do with modest sums of money.

However, it has been only in very recent years that the profession has come to realize the importance of empirical research and the responsibility of the profession for its conduct. This awakening concern for research about the law led to the establishment of the American Bar Foundation, the research arm of the American Bar Association. The work of the Foundation has been primarily limited by the funds available to it. Law schools evidence a growing commitment to research about the law, but here, too, financial resources are limited.

As Chairman of a Special Committee on Financial Resources of the Association of American Law Schools, Dean McKay conducted a study financed by the Walter E. Meyer Research Institute of Law, the purpose of which was to ascertain the level of private philanthropic contribution to legal education and legal research. The results of

Footnotes at end of article.

that study indicated that private foundation support has not been large. During the twelve-year period of the study most of the funds were granted for construction, fellowships and individual research. Only a modest amount was made available for empirical research.

Of the funds granted to law schools, more than 60 percent was concentrated among five schools and nearly 80 percent was concentrated among ten. The Ford Foundation was the principal grantor, accounting for more than two-thirds of all foundation support. Grant money went primarily to international legal studies, graduate fellowships for law teachers and the administration of justice, particularly in the criminal field. In the final year of the period studied, only a little over one percent of all foundation grants allocated to the sciences and social sciences was directed to law.

In the same period, the government was providing only negligible support for legal research. At the time of Dean McKay's study, the National Science Foundation had made no grants for legal education or legal research. Likewise the National Endowment for the Humanities made no research grants to lawyers. Proposals introduced in Congress for a National Foundation for Social Sciences and a National Foundation of Law and Justice have not yet received wide support.

In contrast, research in support of the physical sciences has fared very well at the hands of both private and public agencies. Admittedly, the legal profession has been slow to awaken to its responsibilities and opportunities to improve the function of our law society through research about the law. But it has been demonstrated that lawyers working together and working in conjunction with other disciplines are quite capable of making the system work better. The obvious need today is to provide adequate funding, continuity and direction.

The Crisis in the Administration of Justice

The inadequacy of our nation's judicial machinery, which was designed to meet the needs of an agrarian society in the late Eighteenth Century, has produced a crisis in our judicial system. This crisis is the result of a multitude of long-neglected problems which, because of increasing demands being placed upon our court system, now threaten much of the system with virtual collapse. There is hardly an urban court which is not touched by the crisis. Interminable delays threaten to destroy the usefulness of our civil courts for the peaceful and orderly resolution of conflicts. Delays in the criminal courts too often mock both the concept of deterrence or the rights of accused. Many judges now must devote an inordinate amount of time to administrative details which could be better handled by others. At the same time, assembly line justice often prevails. Appellate courts are equally affected. In many state systems the average time required to process an appeal can consume in excess of eighteen months.

The task of resolving the problems which contribute to this crisis is not easy, for resort to simplistic solutions usually creates a high risk of destroying the very system which such solutions are intended to save. What is needed is reform within the context of our legal traditions.

The focal point of the machinery of justice in our country is, of course, the judge himself. Too frequently judges, especially in the minor courts that process the bulk of the civil and criminal litigation, receive little or no judicial training or orientation. There remain substantial problems with respect to insuring that judicial officers are competent and have the requisite temperament to adjudicate disputes in a courtroom setting.

On the positive side of the ledger, this is an area which is receiving substantial direction and attention from Chief Justice Burger. He, for example, has been instrumental in the creation of the new National Center for State Courts. His predecessor, Chief Justice Warren, was the moving force in the establishment by Congress of the Federal Judicial Center. Under the broad mandate of Congress, one of the primary functions of the Federal Judicial Center is "to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies."

The new National Center for State Courts, together with the Federal Judicial Center, the National College of the State Judiciary under the sponsorship of the Section of Judicial Administration of the ABA, and the Institute for Court Management, all are recent examples of advances in strengthening judicial training and support.

V. TRANSLATING DESIRE INTO REALITY

Inherent in the efforts of most legal reformers, voluntary and professional, has been the assumption that if enough human energy were applied by enough dedicated groups existing machinery could be improved and the crisis in justice could be met. The piecemeal, uncoordinated nature of the various efforts seems not to have been regarded as a deterrent. At least they have been accepted as an inevitable fact of judicial life. But with it all, comprehensive, coordinated national planning is lacking and effective modernization of the system appears still to be an elusive and urgently needed element.

From the time of the creation of our constitutional government, the condition of justice has suffered almost directly in proportion to the increasing population and the increasing complexity of our society. The responsibility, although often the subject of partisan political debate, has fallen on the lawyer and ultimately the organized bar. Lawyers are educated to understand and deal with the application of the rule of law. Moreover, they are virtually the only professional group having complete access to the machinery of the administration of justice: the enforcement of societal mandates through law. In short, they are intermediaries between the theory of the law and its application to society.

Yet the very nature of the practice of law can be contradictory in terms of the interests of society and the interests of particular individuals, or organizational and governmental entities. They are paid advocates, ethically bound to consider the client's interest as paramount to virtually all other considerations. This obligation is to be juxtaposed with a commensurate obligation—also a matter of ethics—to work for the public good.

Efforts to accommodate these co-equal obligations have been pursued, in the past, mainly through the organized bar or through government. One has only to consider the makeup of the executive, judicial and legislative branches of government to note the intricate and pervasive involvement of the lawyer in the administration of justice. Chief Justice Burger aptly articulated this in his State of the Judiciary address at the 1971 ABA Annual Meeting several months ago:

"A strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but its very pluralism and creativeness make it capable of both enormous progress or debilitating conflicts that can blunt all semblance of order. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, a reconciler. He must be more than simply a skilled legal mechanic. He must be that, but in a larger sense he must also be a legal architect, engineer, builder and, from time to time, inventor as well. This is the history of the lawyer in America, and in this respect he is unique among the lawyers of all societies."

While it cannot be said that kinship among lawyers is so great that one may find them huddled together under one roof, they are gregarious enough that the vast majority of them belong to state and local bar associations. More than half of them voluntarily belong to the American Bar Association, the national organization of the profession.

The movement to organize lawyers into bar associations on a national, state and local level is a little over a hundred years old. The organization started in metropolitan areas and the more populated states. The early associations were voluntary in nature and had modest budgets. Permanent staffs did not exist; association projects were carried on by volunteers. The Bar was not seen in those days as responsible for the discipline of members and certainly not as the harbinger of reform.

The passage of time brought many changes. As bar associations assumed larger roles in professional standards of conduct and practice, and a larger share of responsibility for the machinery of justice, the so-called integrated bar began to develop among the states. This concept, requiring every practicing lawyer to belong to the professional organization of lawyers in a state, took place largely during the middle third of this century. Today, half the states have integrated bars and the trend in that direction is continuing. Even with this movement, inadequate funding has in most states prevented the mounting of effective programs of discipline, education and improvement of judicial machinery.

It may surprise some to realize that the American Bar Association had no permanent staff for the first half of its nearly one hundred years. Indeed, not until the middle of the 1950's did it have sufficient funds to staff a limited number of projects and activities. Membership in the American Bar Association has trebled in the past fifteen years, while its income has grown by more than 600 percent. In the last decade an even more significant development has taken place—the funding of public service and educational projects through foundation and government funds. About half of the Association's annual income now comes from such sources. It is this writer's belief that that percentage will grow in the decade ahead to between 65 percent and 75 percent of the Association's entire income.

Indeed, the progress of the organized bar in the past decade has been so marked that some believe that the crisis in the administration of justice can be met by the organized bar under the direction and leadership of the American Bar Association. While the forward strides of the last decade are a source of encouragement and even some pride, and while the leadership of the American Bar Association is dedicated to the proposition that this organization has the potential for even greater and more significant contributions to the cause of justice, it must be recognized that there are some inherent qualities of a voluntary organization that militate against its completely effective fulfillment of this lofty role.

On the one hand, the ABA House of Delegates includes the widest possible range of representation from all groups who constitute the legal profession today. The Association's present day structure is its strength when called upon to pass upon the conclusions or proposals of others. Nevertheless, because it is a voluntary organization and represents so many diverse and often irreconcilable views, it should not surprise or discourage us to note that the contribution of the organized bar to the solution of today's societal problems has been, of necessity, confined largely to the realm of ideas. Time freely contributed by volunteers, projects financed by volunteers, machinery

tuned to decision by consensus, cannot produce the kind of massive, venturesome, sustained and coordinated attack which is required in the field of justice today. Volunteer bar associations, the American Bar in particular, perform at their maximum efficiency in unfolding and debating a wide range of views. By their very nature, however, voluntary bar associations cannot, at the same time, be fearless in research, forceful in exposition and confident in criticism.

Even if the organized bar could, through reorganization or otherwise, build a sufficient structure from which to conduct far-reaching research programs and substantial pilot programs in our quest for a better society, an argument can well be made against proceeding in that direction. As long as bar associations remain voluntary, their ability to represent all lawyers is impeded. Should the day come when all lawyers speak with one voice, the rest of society may nonetheless readily question both our method and our motive.

The very size of life and society today minimizes the effectiveness which any voluntary group can now offer. Individual contractors alone cannot produce coordinated space programs. Individual railroads cannot serve a sprawling nation. Society today requires a National Institute of Justice.

VI. CONCLUSION

The late Reginald Heber Smith once observed that men can learn, if they must, to put up with physical imparity and economic inadequacy; but that a brooding sense of injustice makes them want to tear things down. We who bear the primary responsibility for the machinery of justice in this nation, if we are to be faithful to our oath, must be vigilant in our search to find new and better ways to make equal justice under the law a living reality. It is incumbent upon us to move forward with common purpose and high aspiration that is worthy of our heritage. The National Institute of Justice is a concept whose time has come.

FOOTNOTES

* Executive Director, American Bar Association, Chicago, Illinois; A.B., Duke University, 1944 ('46); J.D., Harvard University, 1949. Mr. Early wishes to thank his associates, John W. Atwood and David C. Long, for their invaluable assistance in the preparation of this article. Mr. Early practiced law in Huntington, West Virginia from 1949 to 1962.

† The Chief Justice of the United States.

[1] Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, 40 AM. L. REV. 729 (1906).

[2] *Id.* at 742, 749.

[3] Pound, *A Hundred Years of American Law*, in LAW: A CENTURY OF PROGRESS 8 (A. Reppy, ed. 1937).

[4] *Id.* at 20, 23, 24.

[5] *E.g.* Laswell and McDougal, *Criteria for a Theory About Law*, 44 S. CAL. L. REV. 362 (1971).

[6] Cardozo, *A Ministry of Justice*, 35 HARV. L. REV. 113 (1921).

[7] *Id.* at 114.

[8] S. 2627 and H.R. 13584, 90th Cong., 1st Sess. (1967).

[9] S. 836, 90th Cong., 1st Sess. (1967), and S. 508, 91st Cong., 1st Sess. (1969).

[10] *Hearings on S. 836 Before the Senate Subcomm. on Government Research*, 90th Cong., 1st Sess. (1967).

[11] 389 U.S. 217 (1967).

[12] Schwartz, *Changing Patterns of Legal Services*, in LAW IN A CHANGING AMERICA 117, (G. Hazard, Jr., ed. 1968).

[13] *Hearings on S. 836 Before the Senate Subcomm. on Government Research*, 90th Cong., 1st Sess. (1967).

By Mr. WILLIAMS (for himself, Mr. MAGNUSON, and Mr. RANDOLPH):

S. 3614. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. WILLIAMS. Mr. President, it would be difficult to find an institution in today's society that plays as an important role as do our elementary and secondary schools. As an access route to knowledge, as the translator of hopes and dreams, and as the delivery system for skills to be used in jobs and opportunities in later life, our school systems play a role unsurpassed by any other institution of society. Yet these schools have, for the most part, failed a very significant portion of the children of America. I am speaking of those children who because of physical or mental disabilities are handicapped.

There are 7 million children with handicaps in the United States. Sixty percent of these children are denied the special educational assistance that they need to have full equality of opportunity. A full 1 million of these children are excluded from public schools entirely and do not go through the learning process with their peers. For most of these children educational services are something that they will receive only through the perseverance of their parents and at a prohibitively high cost.

Most likely, these children will receive the benefit of a tutor for only a short length of time. The education that they are likely to receive will in no way prepare them for a life of independence. In most cases their exposure to learning opportunities will be so irregular that it may have been better not to have made the effort at all.

Only 40 percent of America's handicapped children receive compensatory education suited to their needs, and these services vary widely within the 50 States. In most cases, special educational programs are provided only if the local community is able to support such programs without State or Federal assistance. Tragically, special educational services for handicapped children are the first programs to be done away with during times of economic adversity. In a very real sense, whether a handicapped child receives the full benefits of our educational system depends on where he lives—not on his needs or his particular disability.

In the 1968–69 school year, there were 19 States where less than 31 percent of their handicapped children were served by special classes. In 11 States, less than 20 percent of the population was served. Only seven States out of the 50 provide educational services for more than 51 percent of handicapped children.

The disparities are worse when we examine particular kinds of disabilities. The 1971 data shows the following statistics on the percentage of children with particular disabilities who are receiving educational services: 57 percent of all trainable mentally retarded children receive an education; 52 percent of all educable mentally retarded; 17 percent of the hard of hearing children; 45 percent of all deaf children; 52 percent of all speech impaired children; 35 percent of all visually impaired children; 13 percent of all seriously emotionally disturbed children; 35 percent of all crippled or orthopedically handicapped children; 2 percent of all children with other health impairment; and 26 percent of all multiple handicapped children receive special educational services. These are national figures; figures are much lower by disability for particular States. For example, in 30 States less than 11 percent of all emotionally disturbed children are provided minimal educational services.

It is impossible to justify these figures. Many of the reasons that are given would be rejected out of hand if we were talking about any other group of children. "Not enough money." "We do not know what will work." "We cannot cut into the services we are providing other children." "There have been great improvements in the last few years, and if you will just give us time we can work it out."

The harsh and cold truth behind these words is that too many people are willing to condemn an entire generation of handicapped children to a life with no hope and no way out. It is time for us to face up to the truth of this statement, to change our attitudes, to rid ourselves of the old myths, and to begin dealing with realities. Handicapped children have the same hopes and the same fears as your children and mine. They happen to have disabilities that require certain kinds of treatment. But in the final analysis they are children. We should be helping them to overcome their disabilities, and helping them through their childhood and adolescence. We should be providing them with services that will enable them to deal effectively with their environment.

The facts are that if provided with effective services, the deaf, the blind, the mentally retarded, and the emotionally disturbed child can learn. He can be helped to overcome his disability. And with appropriate educational services, 90 percent of these children can grow up to be productive members of society.

The argument that our age-old institutions are not presently equipped to deal appropriately with handicapped children is no longer a sufficient excuse. If it is true, then these institutions must be changed. If our schools cannot presently educate handicapped children, then they must change.

If our buildings and transportation systems are inaccessible to individuals with handicaps, then they must be altered. It is not a question of what is most convenient. We are talking about basic rights that have been neglected for too long.

The courts are not listening to the argument of "convenience," and it is time that our public laws caught up with the courts. The horror that has been perpetrated under the guise of expedience is something that most of us would not be willing to face. The overall statistics regarding children excluded from schools and educational service only partially reflects the seriousness of the problem. But the real point cannot be made without examining individual cases.

Let us look at 14-year-old Wayne Keel, an autistic child, who every day watches the schoolbus pick up children in his neighborhood, and asks his mother, "Go to school?" His mother has varied the excuses. Sometimes she tells him the school is closed. Sometimes she tells him that he is too old to go to school.

Let us examine the helplessness of the parents who have written to me from New Jersey asking for assistance. Their children have been on waiting lists for special schools for 5 years or longer. And no help is in sight.

The same is true for the parents who have been told that the schools are not open for crippled children. Or the grandmother of a 5-year-old mentally retarded child who has written to me asking for more money for the institution attended by her grandson. Personnel is so scarce in the school that he seldom gets to go outdoors.

We know of children whose primary language is not English who have not been properly tested. The result is that they have been labelled "mentally retarded." It has taken a court case in California to establish the fact that these children must be tested with appropriate devices, and that they and their parents have the right to appropriate testing. It has taken a court case in Pennsylvania to establish the fact that parents have a right to know all the details and all the reasons when a school system is contemplating changing the educational status of their children. And it has taken a class action case in the District of Columbia to establish the rights of parents to due process when a school is contemplating the exclusion of their children from the school system. It is an outrage that people must resort to legal action in order to insure that their children are guaranteed the most fundamental of human rights.

Mr. President, we have made significant improvements in the past few years in the educational services provided handicapped children. We have increased Federal assistance from $45 million 5 years ago to $215 million in the present fiscal year. But these have been token expenditures. Nowhere in our public laws or in our budget figures do we find acceptance for the proposition that all handicapped children have the right to an education. It has been the courts which have forced us to the realization that we can delay no longer in making just such a commitment.

The recent cases in Pennsylvania and the District of Columbia have made absolutely clear that if the States have in fact provided for the education of all children, they must provide education for handicapped children as well. Those courts have ruled that it is up to the State to find the resources and the way to implement this challenge. These are indeed landmark decisions and today there are similar cases pending in New York, Massachusetts, and Michigan.

Mr. President, I believe that we in the Congress have a responsibility which is no less than that of the States. The States cannot do it alone. The Rossmiller study of education programs for handicapped children in five States that have exemplary programs has indicated that the education of a handicapped child will cost on an average of 1.87 times as much as the education of a child who is not handicapped. At the very least this will mean from $400 to $800 more for education if the child is handicapped. It is not, however, a matter over which the States have a choice. The courts have said that they have to undertake this expense.

It is for this reason that today on behalf of myself and Senators MAGNUSON and RANDOLPH I am introducing a bill which will provide basic Federal assistance to the States and local educational agencies for the education of handicapped children. Through this legislative vehicle we are saying to the States that we recognize their responsibility to provide full and appropriate education services to all handicapped children. And we are saying that the Federal Government will undertake to underwrite 75 percent of the excess cost required in educating a handicapped child. This formula will be determined on the basis of the aggregate current expenditures for the education of handicapped children divided by the number of handicapped children they are currently serving. The difference between this amount and the amount they are spending per nonhandicapped child will be their excess cost. The Federal Government will pay to the State 75 percent of that amount for every handicapped child that they are currently serving. This level of Federal expenditure will continue as long as they do not cut back on the amount of money that they are spending and will increase as they increase their efforts.

Implicit in this statement however is the recognition that the States will have to call upon the local educational agencies to carry out this undertaking. Therefore, to insure that this assistance will actually be spent on delivery of services at the local level, only 1 percent of the money will be available to the States for the administration and planning for delivery of the services, with the remainder of the money flowing to local educational agencies for the education of handicapped children.

This legislation also involves several other important initiatives. It requires the States to submit a State plan which will enable them to provide full and appropriate services to all handicapped children by 1976. It requires the identification of all handicapped children within the State, and assigns responsibility for the education of these children to the appropriate local educational agency.

In addition, it requires the State to evaluate the educational services each handicapped child is now receiving, and to accord to parents full due process in matters relating to the education of their children. Finally, it requires the State to undertake a study of present methods of institutionalization of handicapped children, to evaluate such methods and make recommendations for change and deinstitutionalization wherever possible. These requirements are nothing more than what is required if we are to implement the guarantees of the 14th amendment. They are nothing more than what our educational system now ought to be providing. They are nothing more than what the courts are presently ordering our educational system to provide. And they are nothing more than what we owe these children.

I am aware of the concern that Commissioner Marland demonstrated in setting a priority for the full exclusion of educational opportunity to all handicapped children by 1980. I join him in this concern, but I believe that it will be too little too late. I believe that in order to make this goal a reality, we at the Federal level are going to have to change our traditional methods of investing money. The theory that the Federal Government can provide minimal assistance to the States as incentive grants to provide extensive educational services simply does not meet the mark in this instance. The education of handicapped children will not be costless. It is hard to argue to the States that the Federal Government is serious about full educational opportunity for all handicapped children when we are not willing to invest money to make this goal a reality. If we are going to make a real commitment to full and appropriate services, and expect the States to carry through on this commitment, we will have to put our money where our mouth is.

While the education of handicapped children involves a substantial investment, it is inexpensive compared to what it will cost this society to maintain these children for the rest of their lives. And its rewards far exceed the cost. We must remember that we are serving children. They are children like yours and mine. They are children whose needs can be met, and who can be freed from the nuisances that are their disabilities. They are children who will go through the same pains and joys of growing up, who will ask the same questions as yours do. But they will not find the same answers unless we are willing to make this commitment. The answers that they find are not very pretty. They are not answers that we can be proud of in this Nation today. I am asking you to join me in making this basic commitment to children, so that we may say to children like Wayne Keel that he will go to school with the rest of his peers.

Mr. President, I ask unanimous consent that remarks prepared by Senator MAGNUSON be printed at this point in the RECORD and that the text of the bill also be included at the close of my remarks.

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

S. 3614

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to ensure that all handicapped children receive maximum special educational services not later than 1976, to ensure that State and local education agencies fulfill their primary responsibilities in providing such services, and to therefore provide financial assistance to the States and local educational agencies to enable them to provide educational services for the education of handicapped children in regular or special classes, and to reduce unnecessary institutionalization of such children.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children or children with serious learning or other disabilities who by reason thereof require special education and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act, the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other children in attendance daily to whom such agency has provided free public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free public education" means education which shall be provided at public expense, under public supervision and direction and without tuition charge, and which shall provide a preschool, elementary or secondary school education in the applicable State;

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands;

(7) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control of direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such terms also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

AUTHORIZATION

SEC. 4. (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in improving and expanding educational services for the education of handicapped children at the preschool, elementary, and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginning July 1, 1972 and ending June 30, 1976, such sums as may be necessary for carrying out the purposes of this Act.

BASIC GRANTS: AMOUNT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year, the Commissioner shall allot not more than 3 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.

(2) From the remainder of such sums, the Commissioner shall allot to each State an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged 3 to 21 years, inclusive, exceeds the per pupil expenditure for all other children, aged 5 to 17 years, inclusive, in the public elementary and secondary schools in that State, multiplied by the Federal share specified in section 8(a)(2).

(3) For the purpose of this subsection, the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(4) The per pupil expenditure for handicapped children, aged 3 to 21 years, inclusive, and the per pupil expenditure for all other children, aged 5 to 17 years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its state plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in approving applications for assistance under the State plan submitted under Section 7. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

STATE PLANS

SEC. 7. (a) Any State desiring to participate in the program under this Act shall submit to the Commissioner a State plan at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such plan shall—

(1) provide for the identification of all handicapped children in the State, together with a list of the local educational agencies within the State responsible for the education of each handicapped child, whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services. Such identification shall include the location where child is presently receiving educational services, the services the child is presently receiving, and whether or not the child is institutionalized, and shall be updated upon changes in the educational status and location of the child;

(2) provide for the evaluation of the State's present procedures for the institutionalization of handicapped children, including classification procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the needs of such children. Such evaluation shall also include recommendations for methods of de-institutionalizing children, with recommendations of how such children will best be integrated into the regular educational system, if appropriate, and procedures for carrying out these recommendations;

(3) provide for effective procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs and in providing related services for handicapped children, including assurances that testing and evaluation procedures for the purpose of this paragraph of the plan will be administered so as not to be racially or culturaly discriminatory;

(4) set forth programs and procedures for the expenditure of the funds paid to the State under this State plan, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational and related needs of handicapped children throughout the State;

(5) provide assurances that a time for the delivery of educational services for all handicapped children in the State will be developed and complied with so that not later than 1976 maximum educational and related services will be available to all handicapped children within the State, and that such assurances will contain provisions adequate to reduce the number of handicapped children who are being institutionalized;

(6) provide satisfactory assurance, that to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this Act;

(7) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(8) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds

expended for the education of handicapped children, and in no case supplant such State and local funds;

(9) provide that the State educational agency will be the sole agency for administering or supervising preparation and administration of the State plan;

(10) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 8 of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(11) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(12) contain a statement of policies and procedures which will be designed to ensure that all educational programs for the handicapped in the State will be properly coordinated by the persons in charge of special educational programs for handicapped children in the State educational agency;

(13) provide that the State agency will, from time to time but not less often than annually, review its State plan and submit to the Commissioner any modifications thereof which it considers necessary. (b) (1) Any State desiring to participate in the program under this Act shall appoint an Advisory Committee which shall be broadly representative of individuals involved in the education of handicapped children, including educators, administrators of programs for handicapped children, handicapped individuals, and parents of handicapped children.

(2) It shall be the function of the Advisory Committee to—

(a) assist the State educational agency in determining priorities within the State for educational services for handicapped children;

(b) advise the State educational agency of unmet needs within the State in the education of handicapped children;

(c) review the State plan and make recommendations to the Governor regarding the education of handicapped children; and

(d) other such functions as the Governor deems appropriate; (c) The Commissioner shall approve any State plan and any modification thereof which (1) complies with the provisions of subsections (a) and (b);

(2) provides for the distribution of money under this Act in such a way which reflects percentage contribution within each State of monies spent within the State on education of handicapped children by State and local educational agencies; (3) provides that the distribution of assistance under this Act within each State is made on the basis of consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain sub-groups of the population of handicapped children within the State as developed under the State plan; and (4) provides for establishing procedures for the classification of children as handicapped children which shall include (A) prior notice to parents or guardians of children where the local educational agency proposes to change the classification of any child; (B) an opportunity for a hearing, including an opportunity to examine relevant records with respect to the classification of any child by such agency; (C) procedures for an independent evaluation of an appropriate status for any such child; and (D) procedures for an appeal from the initial decision with respect to any such classification. The Commissioner shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

Study of Institutionalized Children

(d) Pursuant to paragraph 2 of subsection (a) of this Section, the Commissioner shall—

(1) review the State plan provisions for the education of handicapped children who are institutionalized and shall provide information to the States concerning efforts in other States which may be useful to them;

(2) approve the plan for institutionalized children as part of the State plan necessary for participation in the program under this Act; and

(3) report to the Congress no later than June 30, 1973 regarding necessary changes in the formula under this Act, and other Acts which provide support for the education of handicapped children, which will encourage the de-institutionalization of handicapped children where appropriate and improve programs of instruction for handicapped children who will require institutionalization.

PAYMENTS

SEC. 8. (a) (1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5(a).

(3) For each fiscal year the Federal share be 75 percent. (b) (1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 percent of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. (c) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of the State plan approved under section 7, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATEMENT BY SENATOR MAGNUSON

There is much to be concerned about in our society today. It's easy to become depressed by just reading the morning newspapers. However, these issues of conflict which fill our front pages often obscure the many positive things that happen in our society. Around the country today there is a new awakening of a moral obligation to guarantee the rights of our less able citizens. The courts of several states have made it clear that handicapped children are entitled to all of the services which society offers to children. More and more, the states are gearing up to assure a free public education to each and every handicapped child. We have become increasingly aware that too many of our handicapped children have been set aside with no opportunity for an appropriate education. We have become painfully aware that too many parents of handicapped children have had to turn to expensive private schools because too many states have failed to provide their children free public education.

As the states grapple with this emerging moral commitment, they are struggling to find the resources to turn the commitment into reality.

The bill that I am helping to introduce today will notify all of the states, saying to them quite clearly that we support their new commitment to handicapped children. This bill will say loudly and clearly that we believe the states are right and that handicapped children must be educated. This bill adds further Federal support to assist the states in guaranteeing educational opportunities to all handicapped children. It does it by assuring that the Federal Government will share at least some of the excess costs required to educate handicapped children.

This bill does more than that. It also asks that states pay particular attention to the rights of children. It requires full due process procedures before any child can be labeled as handicapped.

I fully support the objectives of this bill. There will be tough decisions ahead as we consider the priority needs of our society and the limited resources that are available to meet these needs. But even in this time with the many competing demands upon our resources, this program clearly deserves some share of the little that is there.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3615. A bill to authorize grants to the D–Q University. Referred to the Committee on Labor and Public Welfare.

Mr. CRANSTON. Mr. President, I am introducing today for appropriate reference a bill to authorize the Commissioner of Education to provide over the next 5 years urgently needed financial assistance to D–Q University in California. I am pleased to be joined in the introduction of this landmark legislation by my colleague, Mr. TUNNEY, and by Congressmen ROYBAL and LEGGETT who have introduced an identical bill in the House.

D–Q University is the Nation's first institution of higher learning to be conceived, developed, and operated by Chicanos and Native Americans. It stands today as a monument to self-determination.

Now well into its first full-year of operation, D–Q University is run by an annually elected board of directors comprised of 16 Indians and 16 Chicanos. Enrollment at the main campus this first

year now totals 67, with a faculty of 25. In September, student enrollment will increase to around 200, and at the end of 5 years is expected to rise to at least 1,500.

The main campus of D–Q University is located some 16 miles northeast of the University of California at Davis on a 640-acre site declared surplus to the needs of the Federal Government by the General Services Administration on July 17, 1970. After some initial reluctance, Federal officials responsible for the disposal of this surplus land were finally persuaded to award the tract to D–Q University. The deed was formally transferred at dedication ceremonies held on the site on April 2, 1971.

Since last April, D–Q University has undergone incredible development and growth. This year's 67 students will grow to more than 200 by September. The main campus near Davis is augmented by four vocational training centers located in Brawley, Gilroy, Fresno, and Stockton. Over the next 12 months, these four centers will train at least 550 individuals to assume vocations and careers outside of the migrant and seasonal farmworkers' cycle of poverty. This vocational training program is in addition to the regular A.A., B.A., and M.A. degree programs to be offered to some 200 students at the main campus beginning in September.

Now financed largely by private and foundation contributions, and by a Department of Labor contract for the migrant manpower training sites, D–Q University desperately needs additional capital in order to grow. My bill authorizes Congress to appropriate $35 million in the aggregate to be granted by the Commissioner of Education to D–Q University over a 5-year period. The funds will be used for the construction of facilities, the employment of instructional and administrative personnel, and the provision of student services. The overall purpose of this bill is to enable D–Q University to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest in matters affecting Indian and Chicano people and their communities.

Mr. President, the need for such an institution is overwhelmingly clear. Even a cursory examination of the statistical information on the education of Chicanos and Indians in the United States yields a picture of rampant discrimination, poor achievement, unemployment and underemployment, and human tragedy. Both groups fail to complete a high school education in significantly larger numbers than Anglos. Both also represent small numbers in the Nation's institutions of higher education. As of November 1969, one out of every five Spanish-speaking residents was illiterate in English. Twenty-five percent of all Chicanos 25 years or older have completed less than 5 years of school. Spanish-surnamed students either drop out of college or fail to enter college at a rate of 75 percent, compared to about 50 percent for all ethnic minorities, and 45 percent for Anglos.

Statistics on Indian education outline the same grim picture. In 1969, the Special Subcommittee on Indian Education of the U.S. Senate cited the following dismal statistics:

About 40,000 Navajo Indians, nearly a third of the entire tribe, are functional illiterates in English;

The average educational level for all Indians under Federal supervision is 5 school years;

More than one out of every five Indian men have completed less than 5 years of schooling;

Dropout rates for Indians are twice the national average;

Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent;

Only 3 percent of Indian students who enroll in college graduate; the national average is 32 percent; and

Only one of every 100 Indian college graduates will receive a masters degree.

This year in California alone, the State department of education has identified some 18,000 Indian students and 700,000 Chicano students in kindergarten through 12th grade in public schools. D–Q University can serve a vitally important function in California, not only as an institution of higher education—including vocational education—to which these students can aspire, but it can also be an important teacher training center that will ultimately send well-trained, culturally sensitive teachers back to the public schools to help the future Chicano and Indian students achieve their full educational potential. As a national Indian-Chicano cultural and educational center, D–Q University can also provide all Americans with a new historical and cultural perspective that has been sadly lacking in our contemporary education.

Mr. President, I believe that this legislation will benefit all Americans, and that by providing financial assistance to D–Q University we will move a little farther down the road toward human tolerance and understanding. I look forward to the bill's early and favorable consideration by the 92d Congress.

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

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

S. 3615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to provide grants for the construction of facilities and the development and improvement of the curriculum of the D–Q University in order that it will be fitted to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest in matters affecting Indian and Chicano people and communities.

SEC. 2. The Commissioner of Education is authorized to make grants during the period beginning with the date of enactment of this Act and ending June 30, 1977, to the D–Q University to be used for its development and improvement, including the construction of facilities, employment of instructional and administrative personnel, and provision of student services. Such grants shall be subject to such terms and conditions as the Commissioner may prescribe.

SEC. 3. There is authorized to be appropriated $35,000,000 in the aggregate for making grants under this Act during the period ending June 30, 1977.

Mr. TUNNEY. Mr. President, today I am pleased to cosponsor with my colleague from California, Senator CRANSTON, legislation which would authorize Federal grants to Deganawidah-Quetzalcoatl University.

The purpose of this act is to provide grants for the construction of facilities and the development and improvement of the curriculum of the Deganawidah-Quetzalcoatl University so that D–Q University will be fitted to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest on matters affecting Indian and Chicano people and communities.

Section 2 of this act authorizes the Commission of Education to make grants during the period beginning with the date of enactment of this act and ending June 30, 1977, to the Deganawidah-Quetzalcoatl University to be used for its development and improvement, including the construction of facilities, employment of instructional and administrative personnel, and provision of student services. Such grants shall be subject to such terms and conditions as the Commissioner may prescribe.

Section 3 authorizes $35 million for making grants under this act.

Mr. President, in December 1970, I initiated a letter to Secretary Richardson of HEW, among my colleagues in the House of Representatives requesting that the Department of Health, Education, and Welfare grant 650 acres of Federal surplus property to the trustees of D–Q University. On April 1971, HEW presented to the trustees a land deed to the property located near Davis, Calif., which was formerly a U.S. Army Strategic Communications Command Facility.

In July of 1971, the D–Q University campus began its summer session.

The Deganawidah-Quetzalcoatl University is an Indian-Chicano educational institution that offers a liberal arts education, vocational training, and cultural perspective to meet the modern needs of these people. Current programs to include Indians and Chicanos in other educational institutions have been very limited or unsatisfactory for various reasons. Many potentially good students have been disheartened or discouraged by insensitivity to their cultural background or by course programs that have little relationship to their interests or needs of their community.

Although any qualified individual would be admitted, this university provides an educational program from the perspective of the Indian or Chicano community. In addition, it also contributes to a better understanding of these cultures and the part they have played in American heritage and the contribution they can make to current American life. The most distinguishable and unique characteristic of D–Q University is that it is a result of the combined efforts and concern and Chicanos and Indians regarding the higher educational needs of their people.

Indians and Chicanos have many things in common:

Both possess cultures and values which are quite different from those of white society;

Both wish to retain their unique identity, culture, language;

Both suffer from gross indifference and discrimination, resulting in their being at the bottom of all indices relative to education, employment, life expectancies, and so forth;

And both have been denied higher education opportunities.

Mr. President, I hope that this act will be a first step whereby the Federal Government shares its resources with D–Q University in order that this institution become a fully functioning and developed university which will help meet the educational needs of Indians and Chicanos.

By Mr. McINTYRE:

S. 3616. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes. Referred to the Committee on the Judiciary.

CONTRACT APPEALS REGIONAL DIVISIONS

Mr. McINTYRE. Mr. President, I introduce for appropriate reference, a bill which would assist, primarily, small business contractors nationwide who have claims up to $50,000 under a contract with the Federal Government. In the field of Government contracting, it has long been a matter of concern for the contractor to have his claim resolved expeditiously, inexpensively, and fairly. The purpose of this bill, through the creation of regional divisions to the boards of contract appeals, is to promote these goals to the benefit of all Government contractors, and particulary small business contractors.

This legislation, for which I invite cosponsors who have an affirmative interest in this increasingly important and pressing problem, has been prepared at the suggestion of the Smaller Business Association of New England—SBANE. This very fine organization is an excellent example of regional small businessmen coming together to act upon mutually troubling problems. It is their finding, along with others, that the current practices of contracting officers and the boards of contract appeals of the various procuring agencies of the Government have not been kept up to date with the needs of those who must depend upon them. This legislation is designed to treat the most problematical aspects of the present proceedings for handling claims. It is especially appropriate that this legislation be introduced during this National Small Businesses Week, because it is the small businessman who suffers most from the inequities of the present system.

As a brief background on the issues involved here, claims under a Government contract principally arise in connection with contract changes, interpertation of contract clauses, drawings and specifications, of the allowability of costs. These claims are first presented to the contracting officer for his consideration and decision. If the decision of the contracting officer is adverse to the contractor, appeal may be made to a board of contract appeals. This appeal mechanism is an administrative means to provide the parties an alternative to court proceedings. As stated by the U.S. Supreme Court in Kihlberg against United States and recently quoted in S. & E. Contractors against United States, court proceedings can be "vexatious and expensive, and, to the contractor oftentimes, ruinous litigation." It would be obvious that this burden would lie the most heavily on the small business contractor.

Currently, to appeal a dispute to a board of contract appeals, it may take from 12 to 18 months and cost the contractor over $5,000. During this time, the contractor is also deprived of the funds subject to the dispute. Because most meetings of the boards are held in Washington, there is the additional cost to the contractor of travel and inconvenience.

Such costs may be tolerable to the contractor who has a really large claim in dispute, but when the amount is small, the attendant costs and time involved in the present system discourage the use of this appeal procedure. The small contractor simply cannot afford to seek this remedy even though his claim may be wholly valid and compensable. This defeats the initial purpose of providing an administrative review and results in gross unfairness.

To help rectify these problems, I propose today legislation which would cause the creation of regional divisions of the boards of contract appeals to hear cases involving sums up to $50,000. By dispersing these proceedings into areas around the country, which would be convenient to the contractors, it is believed that the contractors could obtain a faster and less expensive determination.

There are other features in this bill which are designed to assist the small business contractor. For instance, the pleadings are not required to be set up in a formal style; discovery by the Government, which can be delaying and frustrating, is limited, and the hearings must be informal and without the use of the technical rules of evidence. The parties to the dispute are to represent themselves without the necessity of resorting to professional guidance. Various time limitations have been introduced to speed the dispute to its conclusion. The decision of the contracting officer must be issued within 60 days. The division must render its decision within 30 days from the conclusion of the hearings.

By filing this bill, it is my hope to focus more national attention on the pressing need for a small claims procedure within the process of adjudicating disputes arising under a Government contract. It is realized that this general subject matter is under study by the Commission on Government Procurement, which is due to report to Congress in December of this year. Nevertheless, time is of the essence since each day businessmen are subject to the present inequities of the contract disputes procedures. Relief for the small claimant can be deferred no longer.

I would like to see the agencies with the boards of contract appeals take action to modify their current procedures without the necessity of this legislation. It is they who created the boards and established their operating procedures, and it is they who should be aware of the needs and responsive to the criticism of the contractors subject to the procedures. These agencies should not be reluctant to institute these changes since they are designed to reduce the workload of the present boards and make the system more efficient. Their adoption would greatly benefit many Government contractors, both large and small, without jeopardizing any legitimate interest of the Government. However, if the agencies fail to undertake the necessary reformation, my bill would provide the ready vehicle for the affirmative action that is so badly needed by hundreds of small businesses nationwide who contract with Federal departments and agencies.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD at the conclusion of my remarks.

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

S. 3616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any determination of a dispute concerning a question of fact arising under a contract between a contractor and any department or agency of the Federal Government involving an amount not exceeding $50,000 shall be made by the contracting officer or procuring agent of that department or agency who is responsible for that contract prior to the conclusion of the 60 day period beginning on the date of notification by the contractor of the dispute, unless such period is extended at the request of the contractor.

SEC. 2. The head of any department or agency of the Federal Government shall establish regional small contract claims divisions of the Board of Contract Appeals of that department or agency for the consideration of a final decision of a contracting officer or procuring agent under the first section of this Act.

SEC. 3. (a) Any small contract claims division established under section 2 of this Act shall be subject to the following rules of procedure;

(1) Parties in any dispute before a small contract claims division shall be represented by their employees who are involved in the administration or performance of the contract.

(2) The parties may not be required to file formal pleadings.

(3) No procedure for the discovery or production of evidence other than a hearing shall be utilized by any small contract claims division.

(4) All hearings and other proceedings of any small contract claims division shall be informal and not subject to technical rules of evidence.

(5) A small contract claims division must decide each dispute not later than 30 days following the conclusion of hearings with respect to any dispute.

(b) The head of each department and agency of the Federal Government is authorized to prescribe such rules and regulations relating to the establishment, operation, and procedures of small contract claims divisions as may be necessary or appropriate to assure the prompt and informal resolution of small contract claims disputes.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1490—REMOVAL

At his own request, Mr. McGOVERN was removed as a cosponsor of S. 1490, the National Health Care Act of 1971.

S. 2909

At his own request, Mr. McGOVERN was added as a cosponsor of S. 2909, the National Blood Bank Act of 1971.

S. 3262

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970, and for other purposes.

S. 3536

At the request of Mr. TAFT, the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3536, a bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

SENATE JOINT RESOLUTION 206

At the request of Mr. MONDALE, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of Senate Joint Resolution 206, relating to sudden infant death syndrome.

SENATE JOINT RESOLUTION 225

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

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of Senate Joint Resolution 228, paying tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE CONCURRENT RESOLUTION 81—SUBMISSION OF A CONCURRENT RESOLUTION REQUESTING THE PRESIDENT TO PROCLAIM "NATIONAL BARBERSHOP QUARTET HARMONY WEEK"

(Referred to the Committee on the Judiciary.)

Mr. NELSON submitted the following concurrent resolution:

S. CON. RES. 81

Resolved by the Senate (the House of Representatives concurring), That the President is requested to issue a proclamation designating the week in which April 11 falls in each year as "National Barbershop Quartet Harmony Week," and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

TEMPORARY OPERATING LICENSES FOR NUCLEAR POWER REACTORS—AMENDMENT

AMENDMENT NO. 1197

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

Mr. SCHWEIKER. Mr. President, I submit an amendment to S. 3543, and I ask unanimous consent that the amendment along with a summary of the effect of the amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 1197

On page 5, line 14, insert the following:

"(a) Subsection 274(b) of the Atomic Energy Act of 1954 is amended by inserting "(1)" immediately after "(b)" and redesignating clauses "(1)", "(2)", and "(3)", as "(A)", "(B)", "(C)", respectively, and adding after clause (C) the following new subsection:

"(2) The Commission may enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission, and the assumption thereof by the State, in the regulation of radioactive discharges to the environment by licensees of the U.S. Atomic Energy Commission within the State."

(b) Subsection 274(c) of such Act is amended by striking out clauses "(1)" and "(3)" and redesignating clauses "(2)" and "(4)" as "(1)" and "(2)" respectively.

(c) Subsection 274(d)(2) of such Act is amended by striking out "is compatible with the" and inserting in lieu thereof "is no less restrictive than."

(d) Subsection 274(g) of such Act is amended by striking out "and compatible."

SEC. 2. (a) The Administrator of the Environmental Protection Agency (hereinafter called the Administrator) is authorized to make grants to State to pay the Federal share of the costs of State programs to—

(1) evaluate normal background levels of radiation at nuclear power plant sites under construction;

(2) determine the adequacy of controls over radioactive effluents and sources of radiation at nuclear power plant facilities and concentrations of radioactive materials in the environment resulting from the operation of such facilities; and

(3) determine potential radiation exposure to the public.

(b) Grants under this section to any State shall be made pursuant to criteria established by the Administrator, and no such grant shall exceed 50 per centum of the total cost of the State program for the fiscal year with respect to which the grant is made.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

(d) There are hereby authorized to be appropriated for the purpose of making grants under this section $2 million for the fiscal year ending June 30, 1973, $2 million for the fiscal year ending June 30, 1974, and $2 million for the fiscal year ending June 30, 1975.

SUMMARY OF SCHWEIKER AMENDMENT NO. 1197 TO S. 3543

This amendment would permit individual states to set their own standards for the regulation of radioactive discharges to the environment from nuclear power plants, as long as the state's standards are more strict than the federal standards.

Second, the amendment would authorize the Administrator of the Environmental Protection Agency to make grants to individual states to pay a federal share of up to ½ of the costs of the State programs to set up monitoring systems to evaluate radiation emissions.

The United States Supreme Court recently affirmed the decision of the U.S. Court of Appeals in the case of *Northern States vs. Minnesota*, thereby confirming that the federal government has preempted the ability of individual states to set pollution control regulations on nuclear power plants which are stricter than the federal regulations. This amendment is identical to a bill I introduced on June 10, 1971, S. 2050. Under this legislation, if the states feel that tougher standards are necessary to protect their citizens, the states would have the authority to act.

We have established a clear precedent for this kind of legislation in Section 109 of the Clean Air Act, which permits states to set standards which are tougher than the federal standards. With the proliferation of nuclear power plants around the country and considerable dangers to the population which could result from nuclear accidents, it is even more important to permit states to set more restrictive environmental standards in the nuclear power plant area than it is in regard to air pollution.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1198

(Ordered to be printed and referred to the Committee on Armed Services.)

The Navy's 1973 Budget Request and Secure Oil Supplies.

THE NAVY'S 1973 BUDGET REQUEST AND SECURE OIL SUPPLIES

Mr. GRAVEL. Mr. President, the Department of Defense fiscal year 1973 budget is now in committee. Included in the Navy's budget request is money for two new weapon systems designed to meet what the Navy calls a "new and emerging" role for the U.S. fleet—that of protecting U.S. bound oil tankers from hostile warships. This was alluded to—if not fully spelled out—in Adm. Elmo Zumwalt's recent statement before the Appropriations Committee.

What would be involved, as best I am able to gather, is the design, construction, and procurement of two new types of vessels—perhaps 50 patrol frigates and at least 8 sealane control ships. The occasion for all this, as the Chief of Naval Operations sees it, is the projected increased dependence of this country on foreign oil supplies—50 to 57 percent by 1985. It is hard not to suspect that the Navy also is in search of a mission and that this is another way to parlay real or imagined "ominous" Soviet naval buildups into increased budgets for the Navy.

While numbers have been difficult to come by, the sea control ships will displace about 15,000 tons, have aircraft and helicopters as a mini-carrier, and cost some $100 million per copy. The patrol frigates would be something like a light escort destroyer and $191 million is requested for design and procurement of the lead ship.

Mr. President, I do not know what the total system cost of these two weapons might be. As usual the R. & D. costs are only the thin edge of the wedge when total costs are actually realized. Some $200 million are requested for fiscal year 1973. I do not know what the costs might be for procurement, operation, and maintenance of these proposed systems over their "useful life." But if eight sea control ships should cost $100 million apiece

and 50 patrol frigates half that, then the procurement costs alone would exceed $3 billion and total system costs some multiple of that.

It is not my primary intent today to argue about the concept of a whole new generation of naval vessels intended to insure a continuing stream of resources—primarily oil—moving to U.S. shores over perilous waters. Parenthetically I do fear that the concept is deficient. It seems rooted in a World War II view of the world where extended conventional warfare is the rule and great convoys are plying the sea lanes escorted by the U.S. Navy steaming smartly alongside helpless cargo ships and beating off submarine, air, and surface attacks by the Soviet Union. It is a concept based on a NATO war, since it is very hard to imagine Japan warring with the U.S.S.R. over sea commerce at a time when the two countries are collaborating on financing a pipeline and marine transport system from Siberia to Japan.

It is also not my primary intent today to talk about the real costs of these proposed weapon systems. Since they would be part of our multimission forces—supporting amphibious assaults, sailing around the eastern Mediterranean to countervail the Soviet presence, and the like—it will be very difficult to determine how much of the total system costs can be attributable to the assignment of safely shepherding oil tankers to and from the United States. I have played the old shell game with the Defense Department enough to know they are masters at deftly shifting the pea from one shell to another.

On the one hand it could be argued that the cost would be relatively small because the ships would be used for all sorts of other things; on the other hand it could be countered that the expense would be much larger than it appears because there are a lot more costs involved in mounting and maintaining a sophisticated fleet of escort ships. However all this may be it bears only tangentially on the point I want to make.

Mr. President, that point is that somewhere in government—and maybe Congress is the place—an evaluation must be made among alternative ways to enhance our national security with respect to oil supplies. One way may be to spend the billions mentioned for the patrol frigate and sea control ships as proposed by the Navy. But another way is for the Federal Government to build a national security pipeline system from Alaska's North Slope so as to delay our increased dependence on foreign oil and make unnecessary whatever share of the Navy's patrol frigate and sea control ship costs this would represent. In other words, if the total system costs for PF and SCS were, say, $6 billion and a third of this amount was attributable to oil tanker escort, then we should take the $2 billion for construction of a North Slope national security pipeline and give the Navy $4 billion if the other assignments for these vessels could be justified.

When Gen. George Lincoln, head of the Office of Emergency Preparedness, testified last month before the Committee on Interior and Insular Affairs, I posed this proposition to him, much as I have set it out here. His answer was:

> Without taking a position on which is best . . . your analysis . . . is completely correct from the standpoint of a one-time economist.

He went on to say:

> You can appraise this (whether) building more destroyers (is) more economic than putting the same funds in development of energy resources that you don't have to protect by destroyers.

Finally, in a further exchange with General Lincoln in pursuit of the importance and appropriateness of framing the issue in the way I have, General Lincoln said:

> I think the point carries adequate and very great weight. Taking the objective of security it is reasonable to look at the various ways of achieving it and one can look at it from the standpoint of accepting dependence on distance and somewhat insecure sources and paying the price of protection of those sea lanes . . . and balance that off against getting the same energy resources by other means which include the pipeline development across Alaska . . ."

That Alaskan oil can, in fact, have a significant impact on the projected crude oil deficit of the United States is beyond question. Admiral Zumwalt mentions foreign imports on the order of 12 million barrels per day in the 1980's. The administration's own findings as recently as last month are that with Alaskan oil available the deficit in 1980 would most probably be 10 million barrels per day and could be as low as 6 million. In percentage terms the administration's estimates are that without North Slope oil imports of Eastern Hemisphere oil will range from 16 to 53 percent, but that with the availability of North Slope oil the dependency would be reduced to a range of 7 to 46 percent of demand.

Mr. President, the administration has spoken as one voice on the question of the national security aspects of exploiting the oil resources on the North Slope of Alaska.

In a letter dated August 4, 1971, addressed to the Secretary of the Interior, the Secretary of Defense wrote:

> The 1968 discovery of major oil deposits in Alaska, coming as it did just after the U.S. in 1967 became unable to meet all its oil needs from domestic sources and entered a period of decline in productive capacity, provided us with the potential to keep our dependence on insecure foreign oil within reasonable bounds. But that potential will be of no avail if means are not found to move Alaskan oil to market.

Last July 21 the Director of Emergency Preparedness—mentioned earlier—wrote to Secretary Morton saying that he found the projected dependence of the west coast oil district on Eastern Hemisphere sources, in the absence of North Slope oil, to be "unacceptable in terms of national security." At another point he concluded:

> Early completion of the Alaska pipeline must be considered an important national security objective.

The General Counsel for the Treasury Department on July 19, 1971, wrote the Under Secretary of the Interior that unless Alaskan oil is brought to market—

> The whole structure of our domestic energy program will be put in jeopardy.

Finally, in response to a request from Dr. Henry Kissinger as to his views on the issue, the reply of the Secretary of State was that he "strongly supports the national security need for Alaskan oil."

Mr. President, in view of these facts I offer an amendment to the fiscal year 1973 military construction authorization bill along the lines I have described and ask that it be printed and referred to committee for full and fair consideration. There are already two multiproduct military pipelines in Alaska—one of 626 miles between Haines, Alaska, and Fairbanks, Alaska, and another traversing the 60 miles between Whittier, Alaska, and Anchorage, Alaska.

My proposal is to add a third one by specifically authorizing $2.5 billion for the construction of a national security pipeline in Alaska.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Mississippi (Mr. EASTLAND), chairman of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, May 23, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Albert W. Coffrin, of Vermont, to be U.S. district judge, district of Vermont, vice Bernard J. Leddy, deceased.

Charles W. Joiner, of Michigan, to be U.S. district judge, eastern district of Michigan, vice Talbot Smith, retired.

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals, vice Eugene Worley, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARINGS ON INTERNATIONAL HOUSING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings, May 24 and 25, on the subject of international housing. The format of the hearings will be in the form of a roundtable discussion on the basic issues brought out by the reports published on this subject by the subcommittee last year concerning the activities of our Government and U.S. affiliated organizations in the field of international housing.

The hearings will be held in room 5302 of the New Senate Office Building, commencing each day at 10 a.m.

ANNOUNCEMENT OF HEARINGS

Mr. PACKWOOD. Mr. President, I should like to announce that the International Finance Subcommittee of the Committee on Banking, Housing and Ur-

ban Affairs will hold oversight hearings on the administration of the Morse amendment on June 22, here in Washington. The hearings will begin at 10 a.m. in room 5302 of the New Senate Office Building.

This day of hearings is intended to supplement the 2 days of field hearings which I announced earlier. I shall conduct these field hearings on behalf of the subcommittee in Salem, Ore., on June 8 and 9. The day of hearings in Washington will allow administration spokesmen, Members of Congress, and other interested parties who cannot attend the Oregon hearings to express their thoughts on this problem.

The Morse amendment limits the export of unprocessed softwood logs harvested from Federal lands west of the 100th meridian to 350 million board feet annually. It is due to expire at the end of 1973. These hearings are being conducted in an effort to determine the advisability of an extension and possible modification of the Morse amendment.

ADDITIONAL STATEMENTS

THE FRYINGPAN–ARKANSAS PROJECT BEGINS OPERATION TODAY

Mr. ALLOTT. Mr. President, 10 years ago this year, the Fryingpan-Arkansas project was enacted into law. While the progress on the Fry-Ark has not been as rapid as those of us interested in this important project would like, I am extremely pleased with an event occurring today in Colorado, an event which makes the completion of this project much more of a reality.

I have been informed that at approximately noon, mountain daylight time, the initial diversion of water will occur from the Fryingpan River, on the west slope, for use on the east slope in the Fry-Ark project. The water will be carried through the Continental Divide via the recently completed Charles H. Boustead Tunnel. After the 5.5-mile trip through the Boustead Tunnel, the water will be stored for later use in Turquoise Lake.

The Bureau of Reclamation anticipates diverting and collecting approximately 30,000-acre feet during this year. This initial year of diversion of approximately 83,000-acre feet, an amount to be used by the municipalities, farmers, and industries in the future development of Southeastern Colorado.

I am hopeful that the progress we see today will continue until this much needed reclamation project is 100 percent complete. I salute the efforts of the Department of the Interior, and specifically the Bureau of Reclamation, and the many people in Colorado involved in reaching this historic date.

PRESIDENTIAL SECRECY

Mr. FULBRIGHT. Mr. President, the Baltimore Sun of May 10 contains an editorial entitled "Presidential Secrecy." The Sun editorial points out that "the cold facts" about the war should be before Congress and the public. But, as the editorial states—

> For months there has been no sign that the leaders of Congress, Democrats and Republicans, have been consulted in advance of momentous presidential actions, or that their advice has been sought. The public . . . cannot feel really sure as to what the President is engaged in.

The editorial concludes:

> There is entirely too much at stake for this to be run as a one-man operation.

The editorial also notes that President Nixon has misled the American people to the extent, at least, of unduly enlarging expectations. Here the editorial has particular reference to the earlier invasions of Cambodia and Laos, which the President said would be "decisive," and to the claims about the effectiveness of "Vietnamization."

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:

PRESIDENTIAL SECRECY

As he approached the end of his speech Monday night President Nixon said: "Finally, to the American people: I ask you for the same strong support you have always given your President in difficult moments. It is you most of all that the world will be watching. . . ." Well and good. But, as a means of obtaining the strong support he requests, Mr. Nixon should feel an obligation to take the people, and in particular their elected senators and representatives in Congress, much more fully into his confidence. Allowances must be made for secrecy applying to impending military operations and movements, but none the less in circumstances as ominous as those of today, with the risk of a much larger war plainly seen, secrecy and surprise are of minor importance as compared with the need for the consultation and understanding on which strong support is built.

Mr. Nixon, like Presidents Johnson and Kennedy before him, obviously has been misled about some aspects of the war in Vietnam, and in turn has misled the American people to the extent, at least, of unduly enlarging their expectations. It is evident that the earlier invasions of Cambodia and Laos, ordered and announced by the President, were not the decisive operations that had been hoped for. It is evident that someone has erred seriously this spring in the estimates of the force of the North Vietnamese offensive and of the South Vietnamese capacity to resist it. The much-used word "Vietnamization" has had a hollow sound after the disclosure that the South Vietnamese army still is heavily dependent on United States air support.

Today, as the war is stepped up to another climax, the cold facts should be before Congress and the public as well as the President. Yet for months there has been no sign that the leaders of Congress, Democrats and Republicans, have been consulted in advance of momentous presidential actions, or that their advice has been sought. The public, for its part, cannot feel really sure as to what the President is engaged in. From what we are told of the President's working habits, we have the impression that he makes his decisions in secrecy and seclusion, usually insisting on secrecy until he goes before the cameras. But are his televised speeches, with their surprise climaxes, merely the above-the-surface part of his conduct of the war; are they intended to complement in some way the secret travels and talks of Dr. Kissinger, or are they the full story? There is entirely too much at stake for this to be run as a one-man operation.

THE SPACE PROGRAM

Mr. SCOTT. Mr. President, I am gratified by the Senate's action on the fiscal 1973 National Aeronautics and Space Administration authorization bill.

The space program, among all the activities directed, controlled, and funded by the American Government, is certainly one of the most visible and probably the most debated program in the Nation today. This is in spite of the fact that since 1970 space funding has never exceeded 2 percent of the Federal budget.

As a stimulant and catalyst for the development of our science and technology, and for research in the basic sciences, the space program is virtually unparalleled by any other activity. Moreover, the direct and indirect benefits accruing to mankind from our investments in space are continuing to mount.

The field of communications has literally been revolutionized by the satellite. International live television reception is now a routine procedure thanks to satellites. The satellite's ability to provide cheaper and more reliable long-range communications has been a direct economic gain to this Nation's commerce. Before the advent of the Intelsat system, there were only 500 cable circuits available for transoceanic phone conversations; today there are thousands, and the cost has been cut nearly in half. Corollary benefits have stemmed from the space program's need for high-speed land line data links and radio transmissions. This has resulted in American businesses—and their customers—enjoying increased efficiency through wider and rapidly growing use of computer-connected data transmissions systems.

The meterological satellite is another direct application of space technology's benefit to man right here on earth. From the time the first met-sat was launched in 1960, a new era in meteorology has opened. In 12 short years these satellites have returned to earth more information about our atmosphere and its complex weather-making mechanisms than was learned since man first began study of the weather hundreds of years ago. Satellites have detected and tracked every tropical storm over the past several years. This has allowed time for threatened areas to receive warnings well in advance of the impact of the storm. Official estimates indicate that many thousands of lives and many millions of dollars of property have been saved as a result of satellite information.

One of the newest satellites, the earth resources satellite, holds great promise for directly benefiting mankind. The ERTS in orbit will make repetitive observations of the earth greatly aiding man in assessing and understanding the changes taking place in his environment. These satellites will record, analyze, and synthesize information about the natural resources of the earth on a level and scale never before dreamed of—they will aid the farmer by telling him when to plant and when to harvest and even spot crop diseases for him; they

can aid fishing fleets by spotting feeding areas and large schools of fish and even measure currents and tides. Their main job is looking not away from earth but toward it, greatly helping man live better right here on earth.

In the early days of America's space program, men with vision forecast that multiple benefits would someday be derived from the wide-ranging space research and development activities. Their forecasts were indeed accurate, because numerous indirect or "spinoff" benefits are an actuality today—and the total keeps building.

In addition to the obvious stimulation of the Nation's economy, the space program relatively quickly recorded major contributions in medicine, environment control, oceanics, education, new materials, and new products. Here are just a few examples of the many indirect benefits of space science and technology.

MEDICINE

The space program has made many contribtuions in the field of medicine. The combination of medical research, particularly in new areas of physiology and biology necessitated by space flight together with systematic development of means for the remote acquisition, monitoring, and interpretation of physiological processes during flight, have contributed much of the technology needed for improving both quality and the quantity of health care.

ENVIRONMENT

Central to the concern with the environment is the measurement of its present state. Planned change can have meaning only when starting points are known. So, too, the effects of actions to reduce the severity of these problems must be measured. Thanks to the space program, significant advances in both of these measurement areas are occurring in weather observation, prediction, and control; pollution monitoring and abatement; and energy resource discovery and conservation.

SAFETY

The National Fire Protection Association estimate that in 1970 alone fires claimed the lives of over 12,000 Americans and cost this country more than $2.5 billion in property fire protection efforts. Out of the program have come several fire retardant or nonflammable foams, paints, fabrics, and glass fiber laminates that are finding applications ranging from jet aircraft and automotive interiors to the construction materials of nursing homes and hospitals.

Mention of the indirect benefits could go on and on. However, one point is clear. Significant progress in the solution of technical problems is frequently made not by a direct approach, but by first setting a goal of high challenge which offers a strong motivation for innovative work. This fires the imagination and spurs men to expend their best efforts and acts as a catalyst by including chains of other reactions. The space program, without any doubt, is playing this role.

Is the space program too expensive? Hardly. The space effort over the past decade has cost this Nation less than one-half of 1 percent of our gross national product. The 1972 Federal budget estimate allotted only 1.4 percent to space science and technology. Over 92 percent of all space funds are spent right here in the United States and that means jobs for Americans. This impact has been felt by over 20,000 firms with the resultant average employment during the 1960's of nearly 300,000 people per year. Furthermore, a substantial sum of the dollars spent on the space program comes back to the city, State and Federal governments in the form of corporate and individual taxes. It is estimated that in the past 10 years these taxes returned to these governments amount to over $3 billion, and they in turn help support the growing social and domestic programs of this Nation.

WAR ESCALATION ADVERSELY AFFECTS ECONOMY

Mr. CHURCH. Mr. President, America's involvement in the war in Indochina has weakened our Nation's economy over the past 8 years. Each time the United States has escalated, the economy has been adversely affected. The buildup of U.S. forces in the 1967–68 period and the invasion of Cambodia are two clear cases in point.

Now that the President has unilaterally ordered massive bombing strikes over all of Vietnam, the dropping of mines around northern Vietnam, the assembly of a massive armada of airplanes and naval vessels in the fierce conflict, there is the deep concern voiced only last month by Price Commissioner C. Jackson Grayson, that an "unexpected event" may lead "to greater national expenditures." We now have the event, and Pentagon officials have more than hinted that it is "very likely" that they will request supplemental funds to finance this newest gambit.

Such new expenditures "may help cause a renewal of the kind of inflation the Nixon administration found when it took office" plus diminish "consumer confidence," Thomas Oliphant prophesied yesterday on the financial page of the Boston Globe.

Mr. President, if the United States withdrew from the Indochina peninsula for good, our economy would begin to stabilize and recover.

I ask unanimous consent that the news analysis be printed in the RECORD.

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

IF WAR MOVES PROLONG, ECONOMY COULD BE IN FOR A SHOCK

(By Thomas Oliphant)

WASHINGTON.—The last time economic considerations heavily influenced a decision on the Indochina War was in March of 1968.

The American generals had on Lyndon Johnson's desk a request for 206,000 more troops plus assorted accoutrements, and among the reasons the former President said "no" to escalation for the first time was the chaos in the international monetary area and in the Federal budget, themselves both largely the products of the war.

The actions ordered last week by President Richard Nixon, it can be stated with 99.9 percent certainty, were not influenced at all by concern over their economic effects, but as the week wore on, it became clear that these may be considerable.

At this stage the comment is speculative only, basically because it is not clear how long the de facto blockade of North Vietnam will continue, how long the greatly-enlarged naval armada will remain in the South China Sea, and how long the air war will go on at its current, enormously-escalated level.

In that connection, it's important to keep in mind that Mr. Nixon's actions were designed not to be long-lasting and constitute instead an attempt to induce fellow superpowers China and the Soviet Union to cooperate in the arranging of a negotiated settlement.

However, as has happened so many times where Indochina is concerned, the President's moves may backfire, in which case the classic Vietnam syndrome of stalemate at a higher level of fighting may be repeated.

The first solid hint that something of a shock may be in store for the economy emerged at the Pentagon on Thursday, where chief spokesman Jerry Friedeim said "very likely", when asked if the Administration would find it necessary to ask Congress for a supplementary appropriation for Indochina activities for the remainder of the fiscal year, which ends June 30.

The answer was the same when the question turned to the possibility of an additional request covering the 1973 fiscal year.

The exact amounts that may be involved are not as yet a matter for public comment, but privately officials are using figures in the unspecified billions of dollars.

For historical reference, it is estimated that the buildup associated with the blockade of Cuba just 90 miles away from the continental United States in 1962 cost around $22 million a day, and that works out to something over $8 billion for a full year.

Perhaps nothing that huge is involved this time around, but don't be sure. For the better part of two months, the Administration has been moving vast quantities of planes, men, ships, and supplies many thousands of miles, and they may all stay put in Indochina for quite a spell.

Obviously, a fiscal escalation will not make things easier for C. Jackson Grayson at the Price Commission. Less than a month ago, he listed as the third of his main worries (after food prices and public support) an "unexpected event leading to greater national expenditures."

Needless to say, he was talking about the war.

His fear is that the Federal budget may help cause a renewal of the kind of inflation the Nixon Administration found when it took office and eventually cured with a recession—namely too much demand.

Already, without the additional problem of the war, there are fears all over town of an inflationary revival late this year as the budget-deficit financing proceeds and as some pressures down on the farm get sent to market along with the produce.

The other potential problem is psychological and could effect the economic recovery.

It is now pretty much taken for granted that the invasion of Cambodia two years ago, and the resulting domestic chaos, affected far more than the stock market between May and July. Consumer spending plans were also affected, with the result that the economy generally was very poorly prepared for the General Motors strike that began that September.

This year, a diminution of consumer con-

fidence would be especially troublesome, above all because retail sales are already a source of Administration disappointment.

A final note: Just before President Nixon made the decision to drop the mines into North Vietnamese harbors last Monday afternoon, he spent some time alone with his favorite Cabinet member, Treasury Secretary John B. Connally.

It is said they talked about respect for the Presidency and for the United States, and about the need to avoid humiliation and other virility-damaging consequences of defeat.

A few months from now, Mr. Nixon may wish they'd talked a bit about the economy.

WEST COAST DOCK SETTLEMENT

Mr. PACKWOOD. Mr. President, a very important wire story concerning the west coast longshore situation has just been brought to my attention. I believe it will be of interest to all Senators. It reads as follows:

NEWS RELEASE

West Coast longshore union dock employers announced agreement today on pay scales ordered by the Federal Pay Board, ending the threat of a new West Coast dock strike. The announcement said straight time pay would be increased by 42¢ to $4.70 per hour retroactive to December 25, 1971. That is a standard set by the Pay Board in its March 16th order trimming from 20.9 to 14.9% increases won by the Union in its 134-day strike. The announcement by the International Longshoremen and Warehousemen's Union and the Pacific Maritime Association made no mention of the Pay Board. Harry Bridges, ILWU President, last February had told his members to stand by for joint action with the East and Gulf Coast Longshore Union if "the Pay Board cuts back our negotiated settlement by as much as 1¢". Thomas W. (Teddy) Gleason, International Longshoremen's Association President, failed to support Bridges, however, in organizing a shut-down of ports of all cities on the U.S. Coasts.

Mr. President, I am certain that all Oregonians share with me a deep sense of relief over the removal of the renewed dock strike threat. Oregon's economy is still struggling to its feet after last year's rail and dock strikes. The threat of a renewed dock strike has hung like a heavy cloud over the economy, creating tremendous uncertainty, and hampering our revitalization efforts. I hope and trust that we may now be able to proceed with these efforts full speed ahead.

VIETNAMIZATION NOT A VIABLE POLICY

Mr. FULBRIGHT. Mr. President, more than a year ago, on April 7, 1971, President Nixon said:

I can report that Vietnamization has succeeded.

In that same speech the President spoke of the "success of the Cambodian operation and . . . the achievements of the South Vietnamese operation in Laos."

Mr. President, many of us have been suggesting for a long time that Vietnamization was not a viable policy and was not leading to the end of the war. Certainly events of recent weeks have made this clear, just as it has been clear that the Cambodian and Laos invasions were not "decisive" as the President had claimed.

Earlier this year there were repeated reports that there was going to be "one more Communist offensive." But, we were told, it could be contained. An article by Col. Robert D. Heinl, Jr., published in the Armed Forces Journal for March 1972, reported on a White House briefing by Dr. Henry Kissinger. In the article Colonel Heinl wrote:

Even with one or more Communist offensive now being (or apparently being) mounted in the long-quiescent central highlands, it was Dr. Kissinger's view that "We can contain them." This assessment is shared, as this reporter knows firsthand, by the formidable John Paul Vann, our past grand master of pacification in that region.

The article attributes to Dr. Kissinger the statement that—

The reason why North Vietnam demands a political settlement and won't negotiate a separate military settlement is that their military prospects are unfavorable.

The article also stated that—

The Thieu government is stronger in the rural areas—Hanoi's chosen arena—than ever before and the South Vietnamese Armed Forces are gaining strength and capability every day. The ARVN was reported to be able to fight the North Vietnamese Army toe to toe.

Mr. President, as the respected Paris newspaper Le Monde has pointed out in an aptly entitled editorial "The End of a Myth," a 1-month offensive "has been sufficient to destroy these myths."

As the Le Monde editorial states:

Because he has not succeeded in "Vietnamizing" the war and because he does not want to "Vietnamize" peace, Mr. Nixon for the moment, is "re-Americanizing" the conflict.

Mr. President, I ask unanimous consent that the article and editorial be printed in the RECORD.

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

[From the Armed Forces Journal, March, 1972]

HANOI HAS LOST VIETNAM WAR, DEMANDS THAT U.S. SURRENDER

(By Col. Robert D. Heinl, Jr.)

Hanoi's adamant demand for political capitulation by the United States and South Vietnam is intended to avert a military settlement bound to reflect the Communists' increasingly unfavorable situation in a war they have all but lost.

This was the conclusion expressed by Dr. Henry Kissinger during a wide-ranging White House briefing 26 January, following President Nixon's disclosure of our prolonged secret negotiations with North Vietnam throughout 1970 and 1971.

"The reason why North Vietnam demands a political settlement," said Dr. Kissinger, "and won't negotiate a separate military settlement is that their military prospects are unfavorable."

In effect, continued the President's top foreign-policy adviser and negotiator, the North Vietnamese are trying to coerce the United States to deliver to them in a Communist-model political settlement the victory they have lost militarily.

Such a settlement as Hanoi's negotiators were proposing—at least, until they abruptly broke contact last November—called on the United States virtually to surrender to North Vietnam a South Vietnam the Communists have proven unable to conquer by either invasion or subversion.

This judgment—one of a Communist enemy too weak in the field to negotiate military aspects of the war save in a winning political settlement—supports beliefs held by some military analysts ever since the successful Cambodian trans-border operations of 1970.

These hypotheses run as follows:

South Vietnam is and will continue to be the main objective of Hanoi. Yet the Communist situation inside South Vietnam is now worse, politically and militarily, than at any time in the war.

The authentic Viet Cong—the Communist insurgents of the South—are on the ropes. The war of pacification has succeeded. So-called Viet Cong main-force units are now 70% made up of North Vietnamese conscripts marched down the Ho Chi Minh trail, rather than true South Vietnamese with their roots in the countryside.

The Thieu government is stronger in the rural areas—Hanoi's chosen arena—than ever before. The South Vietnamese government has freely handed out nearly 2-million weapons, and all the ammunition they can shoot, to its own villagers. None of these weapons has been turned against the regime by a thoroughly armed populace which, instead, has been using them effectively against the so-called VC.

The once-despised South Vietnamese Armed Forces—the ARVN, Air Force, and Navy—are gaining strength and capability every day. The ARVN has shown itself able to fight the North Vietnamese Army (NVA) toe to toe, something that would have seemed unbelievable only four years ago.

In 1968, the VC and NVA were fighting in the streets of Saigon and Hue. In 1969, they had been pushed back to the jungles of Tay Ninh and the A Shau Valley. In 1970 and since, the fighting war was clear of South Vietnam and the Communists were restricted to ground action in remote, largely unpopulated areas af Laos and Cambodia.

Even with one more Communist offensive now being (or apparently being) mounted in the long-quiescent central highlands, it was Dr. Kissinger's view that "We can contain them." This assessment is shared, as this reporter knows firsthand, by the formidable John Paul Vann, our past grand master of pacification in that region.

It can be added, on high authority, that General Abrams is of the same mind.

It was Dr. Kissinger's speculation—which he clearly labeled as such—that one reason the Communists may have broken off negotiations last fall was to await the military results of one more throw of the iron dice.

Against this bleak background, at least as seen from Hanoi, Communist negotiators insisted, in secret meetings described by Dr. Kissinger, that the United States set and adhere to a date for total U.S. withdrawal, regardless of what Hanoi might or might not do; that "withdrawal" meant complete withdrawal of all U.S. weapons and equipment supplied by the U.S. to South Vietnam (i.e., disarming the ARVN—while, incidentally, the NVA retained its own Russian-supplied weapons now coming in at a rate of a billion dollars a year); and that the United States impose political arrangements on South Vietnam which could only result in Communist takeover.

The above formula—described by Hanoi as the essential political terms for settlement—was also accompanied by a demand that the United States pay "war reparations" to North Vietnam as a beaten enemy.

In their long memories of the 1954 Geneva Conference, where France capitulated to North Vietnam, the heirs of Ho Chi Minh seem to have forgotten the dictum by our observer, General Walter Bedell Smith:

"Diplomacy has rarely been able to gain at the conference table what cannot be gained or held on the battlefield."

Now, however, if Kissinger is correct, Communist diplomats are trying desperately to win back in conference a war they have irretrievably lost on the ground.

[From the New York Times, May 16, 1972]

THE END OF A MYTH

(NOTE.—This editorial first appeared in the French newspaper Le Monde.)

Only two months ago Washington presented the Saigon Army as one of the best in the world and "Vietnamization" as a great success making gigantic progress. The Government in the South was asserting that only an infinitely small minority of the population was not under its control. In short, some 13 or 14 million tons of bombs and other munitions, chemical spraying of a seventh of South Vietnam's territory, the influx of dollars and military equipment and the repression of legal opposition had at last defeated "Communism" and at last the theory of "two Vietnams" would be vindicated.

A one-month offensive has been sufficient to destroy these myths. On the one hand, one can only admire once more the tenacity of the North Vietnamese soldiers—and that of the N.L.F. in the South—who under the greatest deluge of bombs in history have managed to mount an unpredented offensive and upset their adversaries. On the other hand, the formidable South Vietnamese Army, in spite of a million men, has finally revealed its weaknesses: apart from meritorious resistance at a few points, at Anloc for instance, the majority of the troops and officers have passively watched the Americans bomb the enemy, ready to flee in disorder at the approach of danger.

Servants of a regime whose foundations remain essentially its military and police force, the Government troops seem to be suffering from a lack of "motivation." The anti-Communist views of their leaders have not incited them to plan counteroffensives and what has been called "Southern nationalism" has not galvanized popular energy against the "invader." The policy of "Vietnamization" has not succeeded in making half a country into a nation.

True, the people have not opted for the North either; the endless streams of refugees fleeing Quangtri testify to this. But the question should be asked, too, how civilians could possibly remain in villages systematically pounded by American aviation as soon as they are taken by "the enemy." Also, if the peasants, that is, the majority of the population, were for the Saigon regime and its protectors, infiltration from the North would have ceased long ago and the N.L.F. would no longer exist, Mr. Nixon, even if he does not say so, knows this full well when he states that President Thieu's troops will "hold their own" if the U.S. Air Force and Navy continue their support.

The era of "Vietnamization" thus seems to be coming to an end. Because he has not succeeded in "Vietnamizing" the war and because he does not want to "Vietnamize" peace, Mr. Nixon for the moment, is "re-Americanizing" the conflict, whatever he may say. In fact, he is trying to gain time. Will he thus spare America its first defeat in history?

JOSEPH CARDINAL MINDSZENTY

Mr. SCOTT. Mr. President, on March 29 a great church and civic leader, a hero to his people and a confessor of his faith, celebrated his 80th birthday in imposed exile in Vienna. Joseph Cardinal Mindszenty, who displayed strong religious convictions and patriotism when it was inopportune to do so, has become a hero to those who stand for religious courage and strength of character. And rightly so.

In 1945 he was appointed archbishop-primate of the Hungarian church. A year later, the Pope elevated him to the rank of cardinal. Joseph Cardinal Mindszenty's teachings have followed the traditional Catholic doctrine on social and political issues, withstanding much personal persecution.

In 1919, he was arrested by the Kun regime for his opposition to the abolition of religious instruction in schools; in 1944 the Germans arrested him for his pastoral letter calling for an end to the war and for the help he extended to the persecuted Hungarian Jewry. But his greatest trial came in 1949 when the Government singled him out as the only obstacle for taking over the public life of the country in the spirit of Marxism-Stalinism. He spent more than 5 years in prison and was liberated by the freedom fighters in 1956, who succeeded in diminishing the Stalinist control over Hungary.

It is only fitting that we honor this man who sacrificed so much for his ideals and convictions, who has contributed so much to religious life during this century, whose outlook has encouraged and inspired many, and whose influence has been widespread.

I urge all my colleagues to join in recognizing the many and varied accomplishments of this unique man, Joseph Cardinal Mindszenty.

McGOVERN ON ISRAEL

Mr. RIBICOFF. Mr. President, the Senator from South Dakota (Mr. McGOVERN) has made an important and definitive statement on American policy in the Middle East. In his speech on May 13 in Columbia, Md., Senator McGOVERN left no doubt as to the kinds of support the United States must give Israel in order to maintain the peace and deter direct Arab and Soviet military action against Israel. He made it clear that the survival of a democratic, thriving, and secure Israel should stand as the cornerstone of our policies in the Middle East.

In his address, Senator McGOVERN cited Israel's genuine desire for reconciliation and peace with its Arab neighbors and called for direct negotiations between the parties leading to secure and recognized borders.

He asserted that in order to maintain the balance of power in the region Israel must continue to receive from our own country the advanced aircraft and other equipment necessary to guarantee its deterrent capacity. Senator McGOVERN noted Israel's crushing defense burden and advocated direct American economic aid and military credits for Israel. Acknowledging that the Soviet Union remains the ultimate obstacle to peace in the Middle East, Senator McGOVERN urged vigorous diplomatic support for Israel in all bilateral and international forums.

Finally, the Senator declared that in the future we must make it plain that we will never waver in our determination to preserve Israel's security, independence, and survival.

I strongly endorse Senator GEORGE McGOVERN's proposals as the policies he would follow as our next President. This program should serve as the basis of future United States-Israel relations.

I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

SPEECH BY SENATOR McGOVERN AT THE POST PAVILION, COLUMBIA, MD., MAY 13, 1972

Those of us who have supported and led the movement for peace in Indochina are sometimes asked how we can reconcile our position on that issue with an equally firm insistence upon American aid to Israel.

The question is a dismal reflection of how badly our judgment has been impaired by the trauma of Vietnam.

We cannot permit our revulsion against the war in Indochina to distort our judgment about America's responsibilities elsewhere in the world. And any hint of a similarity between our involvement there and in the Middle East is sadly and dangerously mistaken.

In fact there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East.

This is true with respect to the merits of the conflict, the nature of our supportive role, the depth of the Soviet commitment, and the degree of American self-interest involved in both areas.

And because we made a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel.

The Israeli government, as everyone well knows, is a democratically elected coalition that includes Arab representatives. Its basic popular support is as firm as that of any government in the world. Personal freedom and dissent flourish there.

Israel's treatment of the Arab population in the areas now under its control has been among the most enlightened and humane of any occupying power in history. The sharp rise in the standard of living in these territories, the success of the recent West Bank elections, and Israel's open-borders policy with Jordan attest to this. They also bear witness to Israel's genuine desire for reconciliation and peace with its Arab neighbors.

What policies should the United States pursue in the Middle East, in its own best interest, and in the interests of all of the peoples of the area?

Our basic goal, of course, is to maintain the peace. But what is crucial here is the *kind* of peace we should be seeking.

The best objective is a peace based on genuine reconciliation and mutual respect between neighbors. I hope and pray that some day a leader of an Arab nation will be courageous enough, and concerned enough for the welfare of his own people, to state publicly and unequivocally, "we must live in peace with Israel."

But until these magic words are spoken and true reconciliation between Arab and Jew begins, we must follow policies that do not invite further bloodshed, and improve the chances for eventual reconciliation. We must take actions consistent with our desire for peace, but also consistent with the realities of the present situation in the Middle East and the respective positions of the adversaries there.

In my view that means that the survival of a democratic, thriving and secure Israel should stand as the cornerstone of our policies in the Middle East.

By leaving no doubt as to our determination to help sustain Israel in those terms, we will act consistently not only with our own ideals and interest, but also with the only conditions under which a settlement can eventually be achieved.

The specific elements of such a policy must be discussed in terms of past and recent history.

We know that the basic goal of Israel's foreign policy is the establishment of a secure peace with its neighbors and that is a sensible, realistic course. It is absurd to regard tiny Israel with three million people as a threat to its Arab neighbors who number more than 100 million. But neither can we question Israel's determination or right to remain an independent Jewish state.

By peace, Israel means a settlement with its neighbors embracing the concept of defensible and recognized national boundaries capable of deterring possible future aggression.

The three Israel-Arab wars in the past 25 years are largely traceable to the strategic vulnerability in which Israel was cast by the arbitrary and erratic lines drawn as its temporary boundaries. These boundaries, because of their tempting vulnerability, were themselves invitations and maritime blockade. The 1949 lines, it is worth recalling, reflected Arab invasions and Israel's response.

Israel insists now upon the establishment, for the first time, of national secure and recognized boundaries, determined through a process of negotiation with its neighbors.

Clearly there can be no reconciliation without such prior negotiation. I cannot recall when in history a dispute between nations has been solved without the parties themselves meeting together to hammer out their differences. This certainly applies in a dispute so complex as the Israel-Arab conflict.

Being realists, the Israelis have expressed their willingness to enter into indirect negotiations as a start. They are correct in asserting that meaningful progress is ultimately dependent upon the Arab government's readiness to enter into face-to-face talks. The Arab refusal to meet with Israel directly as sovereign equals is really tantamount to continuing nonrecognition. Israel has placed on public record its readiness to enter into negotiations without prior conditions, and has expressed its willingness to withdraw from the present ceasefire lines to new boundaries which the negotiators would agree upon in a treaty of peace.

In the total absence of Arab willingness to enter into comprehensive peace negotiations at this time, recent American efforts to break the statement have centered on a limited Suez agreement. Israel has declared its agreement to enter into proximity negotiations with Egypt through the good offices of the United States, with a view to concluding a partial settlement affecting only the Suez Canal sector.

The obvious advantage of such an agreement would be the disengagement of the opposing military forces. This would permit the clearing and re-opening of the Canal, revive normal civilian life in the Canal sector, and perhaps, most importantly, spawn a climate of trust and cooperation conducive to later, more comprehensive peace negotiations.

But until the conditions for either a Suez settlement or an overall peace agreement have matured, no effort must be spared by all the parties concerned to reduce the threat of renewed hostilities.

The most dangerous front is, of course, the Suez Canal sector where opposing forces are poised. On the Egyptian side, a formidable combat Soviet presence is entrenched including a significant number of combat pilots and the most up-to-date weapons in the Soviet arsenal——weapons not deployed anywhere else outside the Soviet Union.

It should be obvious that a weakening of Israel's capacity to respond successfully to any attempted assault across the Suez Canal would increase the prospects of war. President Sadat's public threats leave no doubt as to his intentions should he reach the conclusion he can win a military victory over Israel.

Nor does the Soviet-Egyptian communique offer any modernization of this hard line. It is therefore essential that Israel's deterrent strength be maintained if war is to be prevented, just as it has been the major factor in preserving the ceasefire of the past twenty-one months.

It follows that the United States' role is a crucial one. Our actions can be decisive in averting culture war and advancing the process of peace.

I see four major areas in which the U.S. is capable of asserting itself as a force for peace.

The continued maintenance of the ceasefire and the advancement of the political process depends upon maintaining the balance of power. The structure of any future settlement, partial or total, must be built upon this principle. Therefore Israel must continue to receive from the U.S. the advanced aircraft and other military equipment necessary to guarantee its deterrent capacity. It must be able to count on such ongoing assistance without the Senate having to take the lead periodically in urging this course of action on a hesitant administration.

Israel must also look to the United States for substantial economic aid. It is strained to capacity by the crushing burden of defense which consumes almost 30 per cent of its gross national product, and is faced with a welcome but formidable influx of Soviet refugees. It is through such American aid—particularly credit loans and supporting assistance—that Israel will be able to meet the high cost of its defense procurements and its minimal development needs.

American diplomatic support is the third essential point. An administration that would abandon the doctrine of a non-imposed settlement or that would compromise the goal of a genuine binding peace agreement between the parties, would be striking a disastrous blow at the prospects for peace in the Middle East. Israel must depend upon the United States to assert vigorously its influence in international and bilateral forums, including the United Nations.

Finally, we must recognize that the Soviet Union remains the ultimate obstacle to peace in the Middle East. Through massive arms supplied to certain Arab countries, through its own considerable direct military involvement, and through its unswerving support for the Arab cause, the Soviet Union has fueled and sustained a dangerous military condition which could not exist for a single day without such involvement.

The United States is the only nation with sufficient resources to counter such pressure. We must therefore make plain through all channels that our resolve will not be shaken; that we will never waver in our determination to preserve a secure Israeli nation.

Israel considers its military defense to be its own responsibility. Israeli leaders have made it very clear, in public and in private, that they do not want a single American soldier ever to come to Israel's defense. They assert that if they ever have to rely on direct American support, not only will their policies have failed, but they will also have lost their own freedom and independence.

Israel is confident of shouldering its defense responsibilities against any combination of Arab forces. In the past Israel has certainly shown how well and how swiftly it can do this.

I am equally convinced that the danger of an Israeli confrontation with Soviet armed forces will be radically reduced so long as the United States continues to maintain Israel's strength through arms assistance, economic aid and political support.

In order to give credibility to such policies of support for Israel, I am prepared, as I have said, to visit Israel as President of the United States. No American President while in office has even traveled to Israel. It is time that this visit takes place, not only as a demonstration of America's commitment to Israel's survival, but as a tribute to a humane and courageous ally and as a reaffirmation of the ideals our nations share.

In the years ahead we will have to make difficult choices as to how, when and where to wield our influence and power. If we choose wisely we can be a dynamic force in the creation of a saner, safer world. My distress over some of the choices of the present Administration is not only because of their failure to assess the moral consequences of their actions, but because they weakened our resolve and ability to move on to more pressing international business.

I think we can do better than we have past. I think that the American people and the rest of the world deserve better. America must pursue its "new involvement" in the world with compassion and with optimism, but also without weakness or naivete. We must learn from our past mistakes and begin the process of involving ourselves in the destiny of this planet as wisely and humanely as we know how.

CONSTITUTIONAL AMENDMENT ON CONGRESSIONAL ROLLCAL VOTING ATTENDANCE

Mrs. SMITH. Mr. President, the response of the American public to my proposed constitutional amendment, Senate Joint Resolution 200, to require a minimum of 60 percent rollcall voting attendance on the part of Members of the U.S. Senate and the U.S. House of Representatives, has been amazing.

Not only have I received a great volume of mail in support of my proposal but the Judiciary Subcommittee on Constitutional Amendments has received a very heavy mail urging hearings and favorable action on Senate Joint Resolution 200. I understand that as many as 20,000 expressions have been sent to the Subcommittee on Constitutional Amendments.

The credit for this heavy mail to the Subcommittee on Constitutional Amendments must go to the national publication, the National Enquirer, which has conducted an intensive coupon campaign among its readers, urging them to cut out, fill out, and send to the subcommittee the coupons in the paper urging the subcommittee to act promptly and favorably on the proposal.

It is this type of news media support that my proposal needs, for I know there is tremendous grassroots support for the proposal, and the only question is getting the American public to know about the proposal.

I am also encouraged by the widespread formal action of support for Senate Joint Resolution 200 taken by various groups throughout the Nation, including State legislative bodies such as the Maryland General Assembly.

I do hope that the chairman of the subcommittee, the Senator from Indiana (Mr. BAYH), will respond to the personal request made by myself and the Senator from Kentucky (Mr. COOK) to him to hold hearings on Senate Joint Resolution 200 at the earliest practicable date.

THE SENATE WATCHES AN ANGRY EMPEROR UP THE MILITARY ANTE

Mr. CHURCH. Mr. President, one of America's top journalists, if not the top, Mary McGrory, made some acerbic but accurate remarks about the Senate's lack of will in expressing its independence in regard to the President's recent unilateral actions in upping the military ante in Indochina. She compares the Senate to the South Vietnamese Army. "It has all the equipment it needs," she writes, but it lacks the will to fight." And the President, in her view, is like an angry emperor, speaking "to the country through imperial decree" after deciding to destroy the country which had resisted him. And throughout, "Americans have nothing to say about the most important decision of their lifetime. One man has sealed their fate."

All of this shall remain tragically true, unless the Senate remembers its constitutional responsibilities and stands up as an independent body. Such a renewed spirit would insure that the separation of powers still exists.

I ask unanimous consent that the last three columns by Mary McGrory be printed in the RECORD.

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

[From the Washington Evening Star, May 12, 1972]

BYRD GIVES SENATE A BOMBPROOF SHELTER

(By Mary McGrory)

At the Senate Democratic Caucus last Tuesday, when the mines had been laid in Haiphong Harbor, some of the seniors present were grumbling at having been left in the dark as usual as to the President's plans.

"If the President treats the Senate with contempt," said Sen. Frank Church of Idaho, "it is because we are contemptible."

The caucus, having been touched in its pride, thereupon voted disapproval of the latest "decisive military action" to end the war, and its approval of an amendment, sponsored by Church and Republican Sen. Clifford Case of New Jersey, to cut off all war funds in four months' time, provided the prisoners of war have been given back.

AMENDMENT "PERFECTED"

The next day, Robert C. Byrd of West Virginia, the majority whip and unchanging hawk, decided that the amendment should be "perfected" with an amendment which added the condition of an "internationally-agreed upon ceasefire."

That "perfection" would, of course, transform the Church-Case measure into implicit endorsement of the mining and a ratification of the Presidents' new peace offer, which like all his previous peace offers, is one that he is sure the other side will reject.

But for the new-fledged and timid doves in the Senate ranks, the Byrd amendment offers a bunker in time of trouble, and the best of both worlds. On the one hand, they can tell their student and anti-war constituency that they have voted bravely to stop the war and at the same time assure their Middle-America that they have supported the President (even though Nixon is expected to oppose Church-Case, "perfected" or not).

So the familiar cycle of escalation and agitation, stilled by the display of a plastic olive branch is about to be run through again.

THUNDERERS LACKING

The Senate has no thunderers to galvanize it to repay affront with resistance. The White House, knowing of the uncertainties that afflict the members at such moments, has been quick to publicize its flood of mail, six to one favorable.

It has also vigorously fanned the suspicion rampant among nervous Nellies that the President has already made a deal with the Russians and that he will come home from Moscow with a compromise settlement in his pocket.

Events have been repeated so often it seems they might remember that there is a surge of support after every "decisive military action"—with the notable exception of the Cambodian incursion two years ago.

But of all the things that have happened and all the things he has told them about the success of "Vietnamization," the effectiveness of airpower and the exhaustion of the enemy, only one has made an impression on them: that was his warning to "pull the rug out from under" those who tried to second-guess him on the war. They have by now a cringing respect for his unpredictability.

REJECTION EXPECTED

The Senators know that the North Vietnamese will reject any plan that includes an internationally supervised ceasefire. The Chief negotiator Le Duc Tho has made it perfectly clear that a political solution must be found first.

The Senate fears Nixon's threats, Hanoi fears equally his promises.

Common Cause, John Gardner's militant and massive citizens' lobby, is making a crash effort to let the senators know they will be judged in anti-war circles solely by their vote on the Byrd amendment. It is uphill work. Senate Majority Leader Mike Mansfield, just back from China and full of forebodings about the war, said he thought he would vote for the amendment, for example.

The House of Representatives, hitherto the president's most reliable cheering section, is showing considerably more spirit in the crunch. The Foreign Affairs Committee voted eight to four, to knock out the ceasefire provision. Its members all face re-election this fall, which has rather focused their minds.

The Senate grows more resentful because, as the years go on, a stubborn Commander in Chief gives them no quarter and no consideration. But they grow no bolder, because no matter how many secret papers come their way, they feel they cannot read the President's mind. He has informed them that any fund cutoff, with or without the Byrd amendment, is unacceptable to the Commander in Chief.

Little hope is held out for the vote next Tuesday. The doves have been unable to rally a majority. The senate is like the South Vietnamese Army. It has all the equipment it needs, but it lacks the will to fight.

[From the Washington Star, May 14, 1972]

SUBJECTS OF AN ANGRY EMPEROR

(By Mary McGrory)

To come from a precinct convention in Dallas, Tex., to Washington in the grip of a new war crisis is to pass from a republic to an empire, from Athens to Rome under the Caesars.

The precinct convention is the lowest common denominator in American politics, and even in Texas, under the new McGovern rules, the most exhilarating.

It is the moment when the citizen speaks and must be heard. It is a moment when the most powerless feels a surge of power.

At Precinct 311 at the Maple Lawn Elementary School, the atmosphere was heady. Young Democrats, who had felt shut out under the old ways, were suddenly in charge.

They turned out the temporary precinct chairman and elected one of their own. They routed the uncommitted and elected a majority of delegates for George McGovern and dispatched them to the county convention to stand for peace and change.

But in Washington, nothing had changed, except for the worse. At the Dulles Airport, a driver met a passenger arriving on the plane from Dallas.

"We're back in the war," he reported morosely. "We're mining Haiphong harbor."

The young people of Dallas had thought they were communicating directly with Richard Nixon. He had, as usual, not been listening. They had not spoken to his condition.

The emperor was in a rage. The colonial army he had proclaimed to be strong and brave was showing that it did not even know how to retreat. Therefore, the country which had resisted him was to be destroyed.

At the McGovern headquarters in Dallas, a young man had exulted, "I'm glad about tonight, because it means that 1968 will go on."

But in Washington, it was still 1968, before the decline and fall of the previous emperor.

Richard Nixon had taken office vowing to end the conflict the country had informed him should be brought to a close.

But when he took stock of his possessions, he found there was no reason to do anything but what he deemed best. At his command were such fleets, aircraft, bombs, defoliants, tanks, personnel carriers and artillery as the world had never seen.

For a poor boy from Whittier, Calif., it was strong meat. Why should a man with all this at hand come to terms with a ragged peasantry that padded through the jungle without computers, sensors, air cover or the USO?

He had learned one lesson from the 1968 campaign, which was, not to be like Lyndon Johnson. But he learned another lesson in office, and that is that there are no limits to his power, no one to stop him in expressing his imperial will.

He forgot his country was a democracy. He forgot the people at the gates. He forgot the Constitution. He ignored the Senate. He talked about peace. He brought home some troops. He talked about prisoners and he began to bomb.

He said the war was ending, there never would be another. He invaded Cambodia. He invaded Laos. He bombed some more. He brought home soldiers and sent out sailors. He bombed. He spoke to the country through imperial decree.

The people were sheep, led this way and that at the sound of his voice. He diverted them. He went to China. He toasted Chou En-lai. He brought home panda bears. But the war went on. He bombed.

He called in the deferential generals. Do it, they said. This will bring them to their knees. So he mined the harbors and thrust his country and the world into a nightmare of apprehension and melancholy. He is the mightiest man on the face of the earth.

Americans have nothing to say about the most important decision of their lifetimes. One man has sealed their fate. They are under the illusion, as they were in Dallas, that they are free citizens with a voice in the conduct of their affairs.

What this ghastly week has brought home to them is that they have nothing to say about the most important decision of their lifetimes. One man has sealed their fate. They are under the illusion, as they were in Dallas, that they are free citizens with a voice in the conduct of their affairs.

What this ghastly week has brought home to them is that they have nothing to say about their lives, their fortunes and their sacred honor. Richard Nixon has decided that the voice of America is the sound of a bomb exploding over a country which he says is so tyrannous it must not be allowed to prevail.

[From the Boston Globe, May 15, 1972]

PRESIDENT SHOWS HE'S SENTIMENTAL

(By Mary McGrory)

WASHINGTON.—Had Oliver Cromwell paused in his slaughter of the Irish to express appreciation of his mother, he might have caused a certain savage amusement among the natives, whose ear for the incongruous had been greatly sharpened in the course of unremitting English attentions over the years.

As the bombs fell on Hanoi and the mines bobbed in Haiphong harbor, President Nixon took time out to proclaim Mothers Day. He referred to "a mother's gift of life and love," providing timely assurance for a melancholy and terrified nation that he is, after all, a sentimental man.

Nobody seemed to wonder how the mothers of North Vietnam might be faring—or their children. They were not included in the proclamation. In another communication last week, the President, opposing abortion, made known his deep concern for the unborn. The born are something else again, and he hasn't gotten around to them yet, at least in Indochina.

Justification of mass murder has not changed much in three centuries, either. Cromwell said of Drogheda that "it will tend to prevent effusion of blood for the future."

Richard Nixon told the bellicose billionaires at Floresville, Tex., that if he did not bomb, "it will be a bloodbath that would stain the hands of the United States for time immemorial."

"Immemorial" is a word that should be applied only to what has already happened, but, as the president of Amherst College, John William Ward, said, as he set forth with his students to a protest at Westover Air Force Base, "nobody is listening to the words anymore."

What is being said at the White House, behind the scenes, is that actions don't mean anything either. The mining was a grandstand play, intended as a diversion from the North Vietnamese offensive against the South Vietnamese.

The Russians knew about the mining agreed to it and its elimination will become a bargaining chip at the Moscow summit. When it is abolished, they will force their North Vietnamese allies to give in. They have sold out for trade as the Chinese, Hanoi's other friend, sold out for a seat in the United Nations.

As explained by the connoisseurs of big-power chess, it sounds like a global plot with two Communist nations to re-elect Richard Nixon, who can't make it if he lets a country the size of Rhode Island go Communist. At least that's what the people who really know what is going on, in contradistinction to what seems to be happening, would have you believe.

A major propaganda offensive is underway to persuade press and public that the mines were as nothing compared to the "most generous peace offer ever made."

The offer was perfectly safe, since the President knows it will not be accepted, but it is being peddled around as a "disguised surrender."

The country is going through the wringer for the third springtime in a row while the President performs his acrobatics. People are shouting at each other and crying, as Richard Nixon bids them hold steady for they know not what. On Capitol Hill, they say he may "pull it off." Pulling it off means currently not starting World War III. For a nation that started out hoping to stop an old war and never dreamed it would involve the end of the world, it seems like thanking somebody for nothing. But that's what Richard Nixon may be asking of us one of these days—if we're lucky.

Mary McGrory is a syndicated columnist.

RUMANIAN INDEPENDENCE

Mr. SCOTT. Mr. President, the 10th of May celebration is a great day for the people of Rumania and their compatriots in the United States. This day is set aside in the hearts of Rumanians as a day of reflection on a proud past and as a solemn day of prayer for freedom in the future.

Most nations have one event in their past that they celebrate on a designated date. The Rumanians, however, have three separate events that serve to strengthen the sanctity of May 10.

On May 10, 1866, after a long struggle for the right to elect their own sovereign, Prince Charles was placed on the throne of Rumania to begin a prosperious reign.

On May 10, 1877, Rumania declared her independence from the Ottoman Empire and set out as a young country among the turmoil of European wars.

On May 10, 1881, the young nation took another step and declared herself a kingdom and Charles I was crowned King of Rumania by the will of the people.

The proud past of the 10th of May continues to thrive in the hearts of the Rumanian people even though its public observance is forbidden by the Communist rule they now live under.

The citizens of the United States in supporting the return of freedom to Rumania and in recognizing May 10 as a day of celebration could do well to remember the words of Abraham Lincoln in 1858. With the clouds of Civil War gathering, Lincoln said:

> Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere.

With words as meaningful as those we Americans know that the love of freedom will never fade and the prayer for peace with human dignity will never cease in Rumania.

CONDITIONS AT LONG BINH, SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, at a time when war rages in Vietnam, it is interesting to read of conditions at Long Binh, 20 miles north of Saigon, which has been described as the biggest overseas American military post in the world.

The Wall Street Journal of May 1 contains a detailed account of conditions at Long Binh in an article written by Peter R. Kann. The base, which houses 14,000 American military men and 7,000 U.S. civilian contract personnel, is larger than the city of Saigon.

In something of an understatement, Mr. Kann suggests that the comfort of a base like Long Binh "represents an affront to the average, often miserable, Vietnamese on whose behalf Americans presumably are here."

I should like to cite just a few of the highlights of Mr. Kann's article about life at Long Binh, "with its movie theaters and bowling alleys, massage parlors and male beauty salons, air-conditioned offices and Vietnamese servants."

The functions being performed by the 21,000 Americans at Long Binh have little to do with fighting a war or even with directly helping the South Vietnamese to fight one.

There are 12 generals living on the base.

Even in the peak years of the American war effort, logistical and administrative troops outnumbered combat soldiers by a ratio of about 5 to 1, and by now the ratio is well over 10 to 1.

All officers at Long Binh have been issued weapons, though the enlisted men have not been. This is presumably to keep the accident rate down.

On any given evening there are more than 100 movies being shown at Long Binh. A $445,000 centrally air-conditioned theater seating 459 persons was opened last month. There are 10 large club-bars and 50 or more smaller bars. There are 10 small swimming pools and a new Olympic-size pool under construction.

A new bowling alley is also nearing completion. Do the Vietnamese bowl? asks a reporter thinking of the day when Long Binh might be "Vietnamized." "No, but I guess they'll learn," says an Army spokesman.

There is a golf driving range, skeet-shooting range, handicraft workshops, photo lab, lapidary shop, bingo tournaments, bridge contests and dating games. A massage parlor offers steambaths and massages by Vietnamese girls. A male beauty bar offers treatment with "cologne, after shave, tonic, hair cream, lotion, deodrant hair spray and Q-tips."

About 20,000 Vietnamese work at Long Binh, including a variety of servants for the American military men. "Housemaids" tidy up barracks, do soldiers' laundry and polish their shoes daily. Such services are provided for all troops on the base. "They iron everything, even underwear," says one sergeant. Other Vietnamese serve at tables in the clubs and do the more menial chores in mess-hall kitchens. There is no KP duty at Long Binh, except during the annual Tet holidays when Vietnamese workers take a week's vacation.

Mr. President, I hope that Members of the Senate and the public will read the entire article because I believe it is most revealing and is relevant at this time. I therefore 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:

JUST LIKE HOME—IN VIETNAM, THE PLACE TO BE AS WAR RAGES ON IS LUXURIOUS LONG BINH

(By Peter R. Kann)

(NOTE.—"Entertainment for troops stationed at Long Binh post takes another step forward Saturday with the grand opening of a new $445,000 movie theater. Located on Tennessee Street near the Pacesetter Service Club and the Long Binh Crafts Shop, the centrally air-conditioned theater can accommodate 459 patrons"—The Long Binh Post, issue of April 11.)

LONG BINH.—Long Binh lies about 20 miles north of Saigon, roughly one-fourth of the way to An Loc, where North and South Vietnamese regiments are decimating each other in some of the heaviest fighting in the history of the Vietnam war. At least 1,000 South Vietnamese soldiers are dying each week in the current nationwide Communist offensive, and the future of "Vietnamiza-

tion"—if not of South Vietnam—hangs in the balance.

But you wouldn't know it at Long Binh. Saigon is in many ways an island in the war, but Saigon at least is a Vietnamese island. Long Binh is an American oasis. The enemy offensive has prompted some special defensive precautions at Long Binh, but as one colonel says, "The only real change is that the clubs have to close early so the Vietnamese girls can get home before curfew."

Long Binh, 17,000 acres of Americana housing 14,000 American military men and another 7,000 U.S. civilian contract personnel, is the biggest U.S. base in Vietnam and indeed the biggest overseas American military post in the world, according to officials here. Long Binh's acreage and population have been reduced somewhat since the peak years of the war, when 27,000 Americans resided here, and troop cuts at the base are continuing. But Long Binh still is likely to be one of the very last U.S. installation closed down. If and when it is "Vietnamized" one can only wonder what the Vietnamese will do with a base that is larger than the city of Saigon.

LITTLE TO DO WITH WAR

With its movie theaters and bowling alleys, massage parlors and male beauty salons, air-conditioned offices and Vietnamese servants, Long Binh must rank as the most comfortable post in this not-very-comfortable country.

And, with only one company of combat infantrymen, 122 men, among the 14,000 soldiers stationed here, it probably also ranks as the least combat-oriented collection of military men in any war zone. In fact, the functions being performed by the 21,000 Americans at Long Binh have little to do with fighting a war or even with directly helping the South Vietnamese to fight one.

The post's primary function, according to briefing officers, is "retrograding" American military equipment. This means collecting, repairing and then shipping home (or otherwise disposing of) the millions of tons of equipment the U.S. military has used in Vietnam. "We're tidying up the battlefield," says a briefing officer. While the task is no doubt admirable, the phrase sounds a mite ironic at a time when Vietnam's battlefields are being rendered "untidier" than ever before with the broken bodies of contending Vietnamese.

The second major function here is supporting other American units in Vietnam. But since there are only two American combat brigades left in the country, plus some air squadrons, most of the U.S. troops being supported by Long Binh are themselves support troops of various sorts.

"Actually, a lot of us just support each other," says an infantry sergeant who found himself assigned here as a clerk.

Long Binh also houses "USARV," which is the administrative headquarters of the U.S. Army in Vietnam. This helps account for why there are 12 generals living on the base. However, the operational headquarters of the U.S. military effort in Vietnam (and the office of the U.S. commander, Gen. Creighton Abrams) are not located here, but rather at Ton San Nhut airbase on the outskirts of Saigon.

BRONTOSAURIAN LOGISTICAL TAIL

Critics of the remaining U.S. military presence in Vietnam can use Long Binh as an example to argue that many of the 70,000 American troops still in Vietnam are performing something less than vital tasks and that troop withdrawals should be accelerated. Critics of the way America has fought the Vietnam war can argue that Long Binh exemplifies the brontosaurian logistical tail of the U.S. military; even in the peak years of the American war effort, logistical and administrative troops outnumbered combat soldiers by a ratio of about five to one, and by now the ratio is well over 10 to one. It can also be argued that the comfort (or, by Vietnamese standards, luxury) of a base like Long Binh represents an affront to the average, often miserable, Vietnamese on whose behalf Americans presumably are here.

Defenders of the system, on the other hand, can claim that residual tasks like "retrograding materiel" are important—at least to the U.S. taxpayer. They can point out that troop withdrawals are proceeding despite the enemy offensive, President Nixon having announced last week that another 20,000 troops will be withdrawn by July 1. More generally, defenders of the U.S. effort would argue that America's massive military support apparatus has enhanced the efficiency and safety of the combat infantryman. And defenders can note that the comforts of an oasis like Long Binh are part of a plan to keep U.S. troops off the streets of Vietnamese towns and to prevent them from further warping the economy and society of the Vietnamese.

If any place in Vietnam can be considered really safe, then that place is probably Long Binh. The last enemy-inflicted deaths here were from several rockets that landed inside the base in March of 1971, killing two soldiers. The last time the base perimeter was penetrated was back at Tet of 1968 when some Vietcong sappers managed the feat.

But back in those days there were battalions of combat troops based at Long Binh, and there were three American divisions operating in the general military region that includes Long Binh. Now there are only the one infantry company plus some military police based at Long Binh and only one brigade of U.S. combat troops in the military region.

The current enemy offensive is still mostly raging in border regions, and U.S. installations do not seem to be a prime target for the North Vietnamese, at least at this stage. But if the offensive continues to build, if the South Vietnamese army breaks rather then bends, if the South Vietnamese government should topple or chaos should otherwise engulf the country, what would become of Long Binh?

Perhaps with such thoughts in mind, however remote the likelihood, Long Binh is taking special security precautions.

The outer perimeter of Long Binh is 23½ kilometers long and is defended by 100 two-man guard positions. Guard duties are shared on a rotation basis, by all the various units at Long Binh, engineers, clerks, mechanics, publicists and so on. The guards have recently been issued new, heavier weapons, including antitank guns (the North Vietnamese have been using tanks at An Loc and elsewhere in this offensive).

The sole infantry company and a company of military police have been assigned duty as a ready-reserve force in case the perimeter is attacked. Two weeks ago the infantry company arranged a "simulated attack situation."

"We simulated against four tanks and some infantry," says Capt. James Kuykendall of Echo Company. Did you win? he is asked. "Yup," he says.

An inner perimeter has also been mapped out for the "extremely unlikely case of penetration and fallback," explains Maj. Hugh Sproul, a base operations officer whose office wall is decorated with photos of a mock sapper attack. A brigade of the 1st Air Cavalry Division (one of the two U.S. combat brigades left in the country) is based five kilometers from Long Binh and could land troops here by helicopter in case of serious attack.

All officers at Long Binh have been issued weapons, though the enlisted men have not been. This is presumably to keep the accident rate down. Already one officer, handling a weapon in bed, accidentally discharged a bullet through the ceiling of his barracks, nicking an upstairs officer in the ear. The victim ran downstairs and proceeded to beat up the man whose weapon had gone off. Both officers had to be hospitalized.

There are many officers at Long Binh who, having pursued noncombat career specialties, may not have had any infantry training since they first entered the Army. They are simply required to pass a weapons-familiarization test once a year.

Still, everyone at Long Binh, through the rank of lieutenant colonel, is being required to take a turn at walking night guard duty around his own billet. "Initially the order included full colonels," says a briefing officer, "but they griped a bit."

Long Binh also depends on Vietnamese for protection. There are some 30 to 40 platoons of regional and popular force militiamen deployed outside the perimeter of Long Binh. And Long Binh recently hired 160 Montagnard mountain tribesmen mercenaries, trained by the U.S. Special Forces, to help patrol within the perimeter. The Montagnards are being issued "distinctive uniforms"—black shirts, maroon berets and what Maj. Sproul calls "flashy patches."

But none of the new defense precautions have had much impact on the eight-to-five office routines and varied social life of Long Binh.

On any given evening there are more than 100 movies being shown at Long Binh. There are 10 large club-bars on the base and another 50 or more smaller unit bars. There are 10 small swimming pools, and there's a new Olympic-size pool still under construction. A new bowling alley is also nearing completion. (Do the Vietnamese bowl? asks a reporter, thinking of the day when Long Binh might be "Vietnamized." "No, but I guess they'll learn," says an Army spokesman.)

The base sporting program includes basketball, baseball, tag football, volleyball, tennis, squash and archery. There are a golf driving range and a skeet shooting range, and the Long Binh newspaper recently invited "hunting, fishing and camping enthusiasts" to the organizational meeting of a new rod and gun club. The base drama society has fallen on hard times due to personnel transfers, but Maj. P. R. Kringle Jr., special services officer, says the base retains a "drama capability."

There are handicraft workshops, a photo lab and a lapidary shop, along with Bingo tournaments, bridge contests and dating games. A massage parlor offers steambaths and massages by Vietnamese girls. ("A towel must cover the body at all times," says a sign.) A male beauty bar offers treatment with "cologne, after shave, tonic, hair cream, lotion, deodorant, hair spray and Q-tips." There's also a manicurist on duty.

Upward of 20,000 Vietnamese employes work at Long Binh, including a variety of servants for the American military men. "Housemaids" tidy up barracks, do soldiers' laundry and polish their shoes every day. Such services are provided for all troops on the base, not just for officers. "They iron everything, even underwear," says one sergeant. Other Vietnamese serve at tables in the clubs and do the more menial chores in mess-hall kitchens. There is no KP duty at Long Binh, except during the annual Tet holidays when Vietnamese workers take a week's vacation.

It's conceivable that the very vastness of this base and its most un-Vietnamese character are its best protection. One can imagine the bewilderment of a company of North Vietnamese soldiers, having survived the rigors of the Ho Chi Minh Trail and the ferocious fighting at An Loc, who might find themselves on, say, Tennessee Street, near the Pacesetter Service Club. One can imagine them searching for the manicured lawn of USARV headquarters and somehow winding up at Robin's Skeet Range instead. "If we

ever really got attacked the VC would have to use the scheduled bus service to get around this base," says a smiling colonel.

USE OF NORTH VIETNAMESE PROPAGANDA BY U.S. NEWS NETWORKS

Mr. GOLDWATER. Mr. President, from time to time I have turned on the evening network news and have seen them using propaganda film supplied by the government of the North Vietnamese Communists. I have often wondered if when deciding to use this propaganda the national interest of the United States was ever a consideration. A story in this week's issue of the Republican National Committee's hard-slugging publication "Monday" reports that when this very question was put to an NBC news executive and a UPI picture executive, incredibly the answer was "No."

The GOP weekly also features an interesting story on how the CBS Evening News accentuates the negative and distorts the facts when reporting the Vietnam war.

I ask unanimous consent that both articles be printed in the RECORD.

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

U.S. NATIONAL INTEREST NOT CONSIDERED BEFORE SPREADING ENEMY PROPAGANDA SAY NETWORK NEWS, WIRE SERVICE EXECUTIVES

Incredible as it may seem, a top network news executive and a top wire service executive have told *Monday* that when it comes to deciding if their facilities should be used to disseminate Communist propaganda,* the question of whether the national interest of the United States is or is not served, is not a consideration.

Monday raised the question after watching an NBC Nightly News broadcast featuring North Vietnamese film and after seeing a Hanoi-supplied photo in *Life* magazine, a picture which *Life* said they had purchased from United Press International.

NBC SHOWS COMMUNIST FILM

On April 28, NBC News showed a film which was identified by anchor man Garrick Utley as "made by the North Vietnamese of what they say was an air attack (U.S.) on Haiphong on April 10." Utley went on to quote "a North Vietnamese commentary" as saying nothing in Haiphong was spared including the heavily populated residential quarters in the heart of the city. As the film showed what the Communists said were the results of the bombing, Utley declared: "These, say the North Vietnamese, are the bodies of civilians killed in the bombing attacks; attacks made with a new kind of plastic bomb falling in strings. Like strings of spaghetti according to the (North Vietnamese) commentary."

(The Defense Department denies this report as "totally without foundation." A department spokesman says that there are bombs with plastic casings but when the bomb explodes the plastic usually burns up and is vaporized.)

In the April 28 issue of *Life* magazine, a picture "released by the Hanoi government" was run showing a man and two injured children. The picture claimed that seven members of one family, mostly children, had perished in the U.S. air attacks on Haiphong.

Curious as to whether the topic of whose interests were being served by running enemy propaganda was ever discussed, *Monday* spoke with Wallace Westfeldt, Executive Producer of the NBC Nightly News and Ted Majeski, Executive Picture Editor of United Press International.

AID AND COMFORT TO ENEMY?

In showing Communist propaganda film is the question of what gives aid and comfort to the enemy ever discussed; is it a consideration? *Monday* asked. Westfeldt ducked the question saying: "We try and put on what is news."

When showing such enemy propaganda film does the question of whose interests are being served ever come up? *Monday* asked. "It's not a question of this," Westfeldt replied, explaining that the question is whether or not what is being shown is news. "We're trying to report a story that is going on," he said. "That is the principal question."

Do you consider the question of whether or not the Communist film shown grinds the enemy ax a relevant one? *Monday* asked. "No," said Westfeldt, "we try to put stuff on the air that is informative to the American people."

When asked if the question of the U.S. national interest ever comes up when it is being decided whether or not to show a piece of enemy propaganda film, Westfeldt replied in the negative, saying: "We're not the government."

The particular piece of Communist film used by NBC on April 28 was obtained from a British doctor who had been in North Vietnam and been given the film by the North Vietnamese, Westfeldt said.

When you make a decision to transmit enemy propaganda photographs, does the question of whether or not the photo serves the interests of the U.S. or that of the Communists ever come up? *Monday* asked UPI Executive Picture Editor Ted Majeski.

"No, I don't think it should. I don't think we can put ourselves to be judges of this . . . I don't think UPI or AP can put themselves in a position of making a judgment. We report the news," he replied.

Majeski said that an international organization such as UPI has to exist by doing business not just with U.S. papers but with papers around the world, in Asia, Africa, etc. Generally the only pictures that are not run are things that are "too horrible" or "naked women," said Majeski.

When asked if by running such photos UPI wasn't distributing Communist propaganda, Majeski agreed: "You are absolutely correct, correct in that sense." But he defended the distribution on the grounds that "we are not necessarily helping the enemy, we are just reporting the news."

CBS NEWS ACCENTUATES NEGATIVE, DISTORTS FACTS IN REPORTING VIETNAM ACTION

"Both the correspondents in Saigon and their editors back in Washington and New York, share, in overwhelming numbers, axiomatic beliefs about the war. The correspondent, consciously or not, tends to look at the worst side of things. The editor, consciously or not, tends to select news that is negative."—Syndicated columnist Robert D. Novak writing in a paper presented to a conference sponsored by the Public Affairs Conference Center, Kenyon College, Gambier, Ohio.

Anyone who watches the network television news coverage of the war in Vietnam for more than two consecutive minutes knows that Mr. Novak as the saying goes, "tells it like it is."

During the past several weeks since the North Vietnamese invasion of South Vietnam, the *Monday* Media Monitor has picked up a few items of interest, items which show that when it comes to astigmatisms nothing sees things quite like the CBS eye:

"DEFEAT" NOT A DEFEAT

On the evening of May 6, 1972, CBS Evening News viewers were greeted by anchorman Roger Mudd telling them: "The South Vietnamese suffered two more defeats today trying to push back the Communists in the Central Highlands." One of the "defeats" cited by Mudd was a Firebase 42 where enemy forces reportedly killed or wounded at least 100 South Vietnamese in a three-hour assault.

Meanwhile, on NBC, Don North was reporting from Firebase 42 and his more detailed account showed that the battle wasn't quite the defeat CBS had made it out be.

Pointing out that the attackers were an estimated company of North Vietnamese sappers ("probably the most feared enemy soldiers in Vietnam"), North reported that the base had been destroyed but "if the enemy mission had been to overrun and hold this firebase, as they have so many others, they failed." North said the base was not overrun due to the fighting of the elite South Vietnamese airborne unit that had "beaten off" the attack by the North Vietnamese.

VOLUNTEER ARMY MISREPRESENTED

In the same May 6 CBS Evening News broadcast, there was a film report from Hue, South Vietnam, showing a volunteer army marching through the streets. As the camera focused on a close-up of a man who looked like a 150-year-old Ho Chi Minh in a helmet, (photo, p.3) CBS's David Henderson (in Hue) intoned ominously:

"Led by a brass band playing patriotic marching tunes, the local militia for the ancient imperial capital of Hue paraded through the streets today to show off their strengths. The ragged army of volunteers will be the *first line of defense* when the expected enemy attack comes. The militia is made up of men too old or too young to be in the regular army, veterans—some of them disabled, local officials and teachers."

Henderson went on to point out that the parade was through mostly empty streets because most of the people left as "they were not impressed with the militia to protect them. Local armies in this country have a reputation for panicking and running away when attacked."*

NOT FIRST DEFENSE LINE

The fact of the matter is that the volunteer army shown on CBS News was not and is not the "first line of defense" of the city of Hue. As an Associated Press story reported: "The government has provided 20,000 weapons for volunteers to defend the city if the army cannot hold off the North Vietnamese." The AP report labeled the local military "the last-ditch volunteer defenders of Hue." Thus, by presenting this disorganized group of volunteers as the primary defenders of Hue, CBS gave their viewers a much gloomier picture than the facts warranted.

The final items involve CBS reporter Bob Simon and things he said and didn't say.

In an April 29 report from Hue, Simon was reporting on the Communist shelling of Highway One and the thousands of refugees on the road. Commenting at one point on how the people had to learn for themselves that the road was being bombarded, Simon said: "The Communists were not aiming for civilians, at least one can't imagine why they would, there were more important targets on the road . . ."

*The word propaganda here is being used as the dictionary defines it: the spreading of ideas, information, or rumor for the purpose of helping or injuring an institution, a cause or a person; ideas, facts or allegations spread deliberately to further one's cause or to damaging an opposing cause.

*Not content with misstating facts and putting the gloomiest possible face on the situation in Hue at the moment he was reporting, Henderson went on to predict defeat saying that the South Vietnamese Marine defense line 20 miles away "was not expected to stop the Communist forces once the full scale attack is launched."

COMMUNIST TERROR TACTIC

What one can't imagine is why Simon would wonder why the Communists would shell civilians. They have done so as a terror tactic since the beginning of the Vietnam war.

Just last week in a press conference, Defense Secretary Laird cited facts and figures to show the Communists "complete lack of regard" for civilians: Since the Communists invaded six weeks ago, the South Vietnamese city of An Loc, a two square mile area concentrated with a civilian population, has been hit by 35,000 rounds of enemy artillery. The four days before Quang Tri fell, the Communists were putting into that civilian population area a total of 3,000 rounds a day The last day before it fell, the city took 4,600 rounds. As Laird put it: "They sprayed artillery into those civilian centers just as if they were using a water hose."

Another Simon report, April 28, ended on a very moving note. As the camera pans slowly showing the bodies of dead and injured men, women and children, South Vietnamese refugees, strewn across a road after their truck had hit a Communist mine, Simon says:

NOTHING LEFT TO SAY?

"By evening government spokesmen are saying another grand victory has been won in Quang Tri province, the situation is once again stabilized. But there will be more fighting and more words. Words spoken by generals, journalists, politicians. But here on Route One, it is difficult to imagine what those words can be. There is nothing left to say about this war. There is just nothing left to say."

Nothing left for Bob Simon to say obviously. But is there really nothing left to say about a truckload of innocent refugees killed and maimed by a Communist mine put there by an enemy who throughout the entire war in Vietnam has deliberately murdered civilians as an instrument of national policy? Is there really nothing left to say about an enemy who after years of aggression continues to try and enslave his fellow countrymen by force and violence? Is there nothing to be said about how 12 of North Vietnam's 13 regular army divisions are now engaged in aggression outside its borders against Laos, Cambodia and South Vietnam? Is there nothing to be said about North Vietnam's violation of the 1954 Geneva Accords and the 1968 understandings which led to a cessation of U.S. bombing? Is there nothing to be said about North Vietnam's truculence and refusal to negotiate in good faith an end to the war?

Of course there is plenty to be said about the war. But the odds are you won't hear it or see it on CBS.

THE IMPACT OF WIN—THE WORK-INCENTIVE PROGRAM

Mr. PACKWOOD. Mr. President, we in the Senate have devoted much time and effort over the years in extending and perfecting the Nation's manpower services for disadvantaged workers. It is imperative that we be able to assess the impact of those efforts so that we can continue to improve job opportunities for the poor and help reduce our Nation's public welfare expenditures. In this regard, I call attention to the research efforts supported by Howard Rosen's office in the Manpower Administration at the Department of Labor. At hearings last month before the Senate Subcommittee on Employment, Manpower, and Poverty some of the studies supported by his office were discussed.

One study was of particular interest to me, as it was concerned with the work incentive—WIN—program, which we created in 1967 and which has been of real assistance to the people of Oregon, who have been hit hard by high unemployment rates, a slump in housing, and a long and costly dock strike. The study, prepared by Prof. Bradley Schiller at Pacific Training and Technical Assistance Corp., demonstrates how and when the WIN program can be effective. I should like to bring his observations to the Senate's attention.

Based on 2 years of WIN program observations in 32 cities, Professor Schiller concludes that manpower training programs are not able to significantly reduce local unemployment rates; they simply cannot create jobs. Training programs do yield important benefits, however. By raising educational levels and extending vocational skills, they give the poor and disadvantaged more chances to find a job when labor markets improve. Participation in programs like WIN also maintains an individual's commitment to the labor market. Surely educational and training activities are a better alternative than jobless idleness. In view of these important and real benefits I am convinced that we should extend and adapt our manpower efforts to conform with changing labor market needs. At the same time we should make a determined effort to raise the number and quality of jobs that are available to the poor.

ARMS CONTROL

Mr. ROTH. Mr. President, arms control is a particularly vital aspect of our foreign policies. In recent years a series of agreements have helped to bring a degree of international regulation in the field of nuclear weapon testing, emplacement, and transfer. These agreements include the Test Ban Treaty, the Non-Proliferation Treaty, the Antartica Treaty, and the Seabed Treaty.

The tragic situation in Vietnam calls to mind an especially important area of arms control that has been relatively neglected recently, both in international forums and within our own Government—the control of transfer of correctional arms from one country to another. In some cases, free world countries have competitively supplied arms to opposing sides in local conflicts.

In an article published in the Washington Post of May 3, Charles W. Yost, an experienced diplomat as well as a thoughtful columnist, called attention to this situation. Mr. Yost pointed to some of the reasons for the large-scale transfer of conventional weapons from superpowers to smaller countries as well as to some of the difficulties in achieving any kind of negotiations or agreements in this area.

In view of the importance of conventional arms transfer, I intend shortly to offer an amendment to the Foreign Relations Authorization Act requiring a report on the problems and possibilities in this field from the Arms Control and Disarmament Agency. I believe that such a report to the Congress will give Senators and Members of the House of Representatives an opportunity to inform themselves of the issues and make a substantive contribution to the development of policy in an important area of our foreign policy.

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

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

SHOULD SUPERPOWERS DOLE OUT WEAPONS?

(By Charles W. Yost)

The well-known fact that big nations provide vast quantities of arms to small nations has again been brought to public attention by the administration's charge that Soviet supply of heavy weapons to North Vietnam has encouraged the latter to undertake its current offensive. This charge may well be true in part, though there is every reason to believe that Hanoi would have undertaken an offensive at this time even if it had not had these heavy weapons. Its aims are as much political as military vis-a-vis Saigon, vis-a-vis Moscow and Peking, vis-a-vis United States public opinion.

The broader question remains, however, whether it is necessary, prudent or moral for great powers to dole out weapons throughout the world as lavishly as they now do.

The answer to this question is by no means simple, or black and white. Not only is the practice abundantly indulged in by all the big nations—the United States, the Soviet Union, France, Britain, and China—but it is obviously welcomed by the medium sized and small nations that receive the arms. The chief complaints of the latter are that they do not receive enough, or that deliveries are slow, or that they have to pay too much. They also complain that their actual or potential adversaries are receiving more from other sources—or sometimes even from the same source. But this fact or claim merely induces them to ask more for themselves.

The receiving countries do certainly have a point. As long as the so-called "international community" is made up of undisciplined sovereign states, quarreling and fighting with each other, the small states need arms as much as the big ones.

Moreover, it would hardly be desirable to oblige each of them, particularly the poor ones, to try to build up separate arms industries of their own.

The motives of the big powers are so mixed as almost to defy analysis. The United States sells arms to Germany in order to equip German troops assigned to NATO, but also to help its own balance of payments. In east Asia, the Nixon Doctrine, which provides the rationale for United States disengagement, also assures our allies of United States arms to enable them to defend themselves without our direct involvement.

France sells sophisticated weapons to everyone, it can, including South Africa, to maintain an industry for its own military needs more extensive and sophisticated than it could support alone.

In the so-called Third World, where the Soviet Union and the United States rightly or wrongly conceive they have "vital" interests, they competitively supply arms to warring adversaries—North and South Vietnam, Egypt and Israel, India and Pakistan. By this time the prestige of each superpower has become so committed to each of these clients that it fears to cut off the supply unilaterally lest it upset the "balance of power."

Nor can both superpowers agree to cut off supplies to both sides in each case without causing the most anguished outcries from the recipients, and without risking the loss of influence which the superpowers have so painfully and expensively acquired.

In all these cases the recipients have become so addicted to excessive doses of arms that the withdrawal symptoms would be very distressing indeed.

The mad illogic of events therefore seems to compel the big powers to provide arms wherever in the world they have a strategic position to defend or a political advantage to gain. This compulsion applies whether or not the big power at all approves the character of the regime it is supplying. Indeed, military dictatorships may be particularly favored, not only where they are strategically located but because the acquisition or maintenance of influence with them is peculiarly dependent on satisfying their appetite for modern arms.

There simply is no easy solution to this problem. It is clearly a case of the pot calling the kettle black when the United States denounces the Soviet Union for giving arms to North Vietnam or the Soviet Union denounces the United States for giving arms to Israel.

It would make for a much safer world if both the United States and the Soviet Union would stop providing arms to anyone other than their allies in Europe and would leave the provisioning of third-world nations to smaller, less ambitious industrialized states, such as Switzerland, Sweden, Czechoslovakia, and Belgium, even perhaps Britain and France.

Such a policy would both limit the amounts supplied and reduce the danger of superpower involvement in third-world confrontations and conflicts.

This would, however, be much too sensible a solution to be "practical." It would be inhibited not only by the rivalry between the United States and the Soviet Union but by the rivalry between the latter and China.

Probably the most one can hope for in the near future is that, after the Vietnam war is finally "wound down," both superpowers will better recognize the hazards to themselves of this form of competition, and will each unilaterally exercise more restraint in its extravagant largesse with weapons.

Even that, however, could happen only if new Vietnams are not permitted to develop in the Middle East, South Asia or elsewhere.

AIR WAR IN SOUTH VIETNAM—BOOK ENTITED, "FIGHTER TACTICS AND STRATEGY, 1914–70," BY EDWARD SIMS

Mr. THURMOND. Mr. President, a South Carolina author and expert on air warfare, Edward H. Sims, has posed in the press and through his books some interesting questions in reference to the success or lack of success of close air support during the current North Vietnamese invasion of South Vietnam.

Mr. Sims, an outstanding fighter pilot in World War II, has recently written a book entitled, "Fighter Tactics and Strategy, 1914–70." Published by Harper and Row, this book follows other successful works by Mr. Sims which include "The Greatest Aces," "Greatest Fighter Missions," and "American Aces."

As a fighter pilot, Mr. Sims speaks with considerable knowledge. He is a strong advocate of development of a new American fighter plane and takes this country to task for the long delay in such a program.

However, his views which are of current interest involve the apparent limited effectiveness of United States close air support aircraft in more effectively blunting the conventional invasion of South Vietnam.

Rather than attempt to speak for Mr. Sims I would call attention to an article, "Effectiveness of Air Strikes Questioned by Local Author." This article appeared in the May 5, 1972, issue of the Sarasota Herald-Tribune.

Mr. President, I also would direct my colleagues' attention to an article entitled, "Invasion Gains Cast Doubt on Air Effectiveness" by Associated Press Military Writer Fred S. Hoffman. This article appeared in the May 4, 1972, issue of the News & Courier newspaper, Charleston, S.C.

Mr. President, the Air Force generals have always been very jealous of the close air support role. Yet today in Vietnam our Air Force pilots are not equipped with any dedicated, sophisticated antitank weapons to aid the ground forces. Although we have been in this war in a big way for nearly 10 years our pilots are being forced to try and destroy enemy armor mainly with iron bombs. A large number of the tank kills have been with free fall iron bombs. These weapons are primarily used for area targets and while effective when scoring a hit, they are of course less accurate than the helicopter borne TOW missile or even rockets carried on helicopters. Also, it appears most of the aircraft being used for close air support are planes which some would term "fast movers." This means they are more designed for warfare in the air than hitting point targets on the ground or within city streets. Ground forces must have some mobile, close, accurate fire support when faced with such threats as enemy tanks and other armored vehicles. It appears the majority of U.S. aircraft being used for close air support are high speed planes which require clear weather to be effective.

Mr. President, I ask unanimous consent that the two newspaper articles be printed in the RECORD.

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

[From the Sarasota Herald-Tribune, May 5, 1972]

EFFECTIVENESS OF AIR STRIKES QUESTIONED BY LOCAL AUTHOR

A noted military aviation historian said Thursday it is obvious that United States and South Vietnamese tactical air power has failed to stop North Vietnamese armor and infantry.

Edward H. Sims, author of the newly published "Fighter Tactics and Strategy 1914–1970", told the Sarasota Keys Rotary Club President Nixon has found it necessary to gamble that air power can save South Vietnam.

He said many people in high places in Washington are asking how this country can make its Air Force more effective tactically.

The North Vietnamese invaders are using conventional warfare tactics, he said. They have armor. "If ever there was a case where air power has targets, this is it," he said.

Sims questioned whether the North Vietnamese would have scored such success in their current drive if this nation had provided the South Vietnamese with more effective close air support weapons to operate against armor, though he admitted that few people expected an open attack by North Vietnam, and that it is easier to criticize in retrospect than to anticipate events.

Sims cited an Associated Press story which was carried Thursday by the Herald-Tribune and many other newspapers. That dispatch said: "Both military officers and civilian defense officials are expressing concern privately and there are reports that key members of the Armed Services Committees of Congress are beginning to ask critical questions."

The Associated Press story said, "The biggest source of dismay to advocates of air power has been the apparent inability of U.S. Air Force, Navy, Marine and South Vietnamese fighter-bombers and bombers to stem North Vietnam's invasion across the demilitarized zone—a conventional attack through relatively open country with tanks, self-propelled and towed artillery, supply trucks and other heavy equipment."

Sims, a World War II fighter pilot from Orangeburg, S.C., has a winter home in Sarasota and a summer home in Denmark. An editor, author and historian, he is a recognized authority on tactics and strategy of air combat and has written four books dealing with fighter pilots and fighter tactics.

INVASION GAINS CAST DOUBT ON AIR EFFECTIVENESS

(By Fred S. Hoffman)

WASHINGTON.—North Vietnam's invasion gains in the face of total allied air superiority are raising new doubts about the effectiveness of air power.

Both military officers and civilian defense officials are expressing concern privately and there are reports that key members of the Armed Services Committees of Congress are beginning to ask critical questions.

Some Air Force officers, while agreeing there is reason to question, argue that the issue still is in doubt and that over the long haul airpower will do its job against the North Vietnamese by attrition of the enemy's heavy weapons and supplies, as well as killing his troops.

For quite some time, critics have questioned whether U.S. bombing of the Ho Chi Minh trail was really knocking out a big part of the enemy's supplies being trucked through southern Laos.

The ability of the North Vietnamese in this offensive to mount heavy bombardment of objectives like An Loc near Saigon and to bring 40-ton tanks that far south tends to support the critics' skepticism.

But perhaps the biggest source of dismay to advocates of airpower has been the apparent inability of U.S. Air Force, Navy, Marine and South Vietnamese fighter-bombers and bombers to stem North Vietnam's invasion across the demilitarized zone—a conventional attack through relatively open country with tanks, self-propelled and towed artillery, supply trucks and other heavy equipment.

It has long been an article of faith among air power boosters that the adversary who controls the air over the battlefield will pretty well determine the course of the ground battle.

But it hasn't worked that way in this offensive, particularly in the area below the DMZ where the North Vietnamese have penetrated more than 30 miles into South Vietnam.

U.S. and South Vietnamese strike planes have flown hundreds of sorties a day against North Vietnamese ground troops which are totally without air cover, though the enemy has brought substantial antiaircraft artillery into play.

"I can't understand it," said one Air Force general with a long record of air combat in three wars. "Tanks are not supposed to survive against the kind of attack we use, with rockets and forward air controllers to spot targets and direct the strikes."

This general recalled the early days of the Korean War, in 1950, when U.S. and South Korean troops were pushed all the way back to the Pusan perimeter. He recalled that when U.S. air power was brought to bear the North Koreans were driven back.

It is recalled also that the last-gasp Nazi offensive in the Ardennes in World War II made huge inroads until the weather opened up again and American warplanes ham-

mered the German tank and infantry to a standstill and then into retreat.

A senior Pentagon official said, "We've got to wonder about air power" in the light of what's been happening in the current war phase.

He noted that bad weather had hampered air operations seriously in the first 10 days or so of the North Vietnamese invasion. But he pointed out also that the skies have been clear enough to permit extensive air strikes during the more recent North Vietnamese thrust which overran the provincial capital of Quang Tri and drove South Vietnamese troops back toward Hue.

Sources reported that Chairman John Stennis, D-Miss., of the Senate Armed Services Committee has pressed military briefers for specific details on the number of enemy tanks destroyed by U.S. and South Vietnamese aircraft, but that the briefers were unable to come up with such figures.

LAW ENFORCEMENT AND THE FUTURE OF THE FBI

Mr. CURTIS. Mr. President, the recent death of J. Edgar Hoover reminded our Nation of a war being fought in every city and village in America. I refer specifically to President Nixon's war on crime. A top general in this effort was the late Director of the Federal Bureau of Investigation, J. Edgar Hoover.

The President, in his splendid eulogy to Mr. Hoover, described him as a "giant," and it will take a giant to replace Mr. Hoover. However, no replacement can ever be a successful Director unless the Bureau is allowed to use all the modern scientific instruments of our technological age.

Let no Member of this body believe that the future permanent Director of the FBI will not face a monumental task in combating the forces of the underworld. From my days of service on the Senate Labor Rackets Committee, I have closely observed the terrible and methodical escalation of organized crime.

I have watched two Senators render outstanding service in combating criminal elements both in and outside of Government, and both in and outside of our country.

JOHN MCCLELLAN, as chairman of the Subcommittee on Investigation, has relentlessly pursued the leaders of the underworld both at home and abroad.

Former Senator John Williams, of Delaware, led a crusade against crime right here in the Nation's Capital by his dogged efforts to expose Bobby Baker, and others who held, or aspired to hold, high public trust.

Certain members of the press have made literally hundreds of significant contributions in exposing the whims and evil deeds of lawless men. Recently, a new book entitled, "Strike Force," by Pulitzer Prize Winning Reporter Clark R. Mollenhoff, has documented the explosive breakthroughs made by the Nixon administration in the war on crime.

These dramatic gains were achieved by dedicated men such as J. Edgar Hoover, using the tools of modern technology, particularly judicially approved wiretapping. If any Senator has a doubt about the value of the omnibus crime bill, and the achievements made through the use of legalized electronic surveillance, "Strike Force" has the answer. The recent indictment of nearly every top mobster in almost every major city in the United States is proof of the value of court-ordered wiretapping.

On many issues the former Attorney General and late Senator from New York, Robert Kennedy, and I disagreed. Possibly, because of his experiences as chief council of the Permanent Subcommittee on Investigations at the same time that I was a member of that committee led us to a mutually shared point of view; that is, the desirability of according law enforcement authorities the chance to avail themselves of court-approved wiretapping. As a matter of fact it was the Justice Department, under the leadership of Attorney General Kennedy, that in 1963 installed a bug in the plush Carlton Hotel suite of North American Aviation lobbyist Fred Black. I have no idea what intriguing insights into organized crime that bug revealed. However, I do know that both Black and Bobby Baker were operating their nefarious business activities out of that hotel suite, and that our long and tedious Rules Committee investigation did nothing to elicit the evidence which subsequently led to criminal convictions of both Black and Baker. In other words, but for the use of electronic surveillance, law enforcement authorities would probably have been unable to marshal sufficient evidence for convictions.

I commend the administration and the Justice Department for their determined efforts to escalate the war against crime, and remind them that they will always have my support when the use of modern technological devices is necessary to destroy the tentacles of corruption or subversion.

IS VIETNAM AMERICA'S SYRACUSE?

Mr. CHURCH. Mr. President, America's military participation in the war in Indochina goes on and on. Those with a sense of the past see what is happening to the United States as similar to what ultimately pulled down the great city-state of Athens—obstinance, pride, and a false sense of priorities.

I ask unanimous consent that an editorial expressing this thesis, published in the Boston Globe, be printed in the RECORD.

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

ANCIENT HISTORY

"Vietnam," said somebody the other day, "is America's Syracuse."

The man wasn't talking about Syracuse, New York. He was talking about one of the tragedies of ancient history, a tale of the mighty fallen, a story to make a pessimist shiver.

The scene of the disaster was Syracuse, Sicily, a transplanted Greek city state, and the time was 2500 years ago.

When the trouble started, ancient Athens was in its glory. It had led the Greeks in their struggle against the Persians, barbarians then as dangerous as the Nazis. After this war, Athens formed a league with other cities and islands, ostensibly for defense against the Persians. The league became an Athenian empire. Athens took a monopoly of trade in the Aegean Sea, and maintained a Navy of unchallenged size and power. Contributions from its allies became compulsory tribute.

The power of Athens frightened the Spartans, glum and land-locked militarists, who declared war.

This struggle lasted, with one long truce, for 27 years.

In the course of it, the Athenians came to believe that the capture of Syracuse, then the equivalent of 10,000 miles away, was the key to victory. They sent a huge fleet and army against it. Both got into difficulties. Athens sent a rescue armada of 73 ships. Eventually, both fleets were destroyed and the invasion army surrendered.

The war ran its course, with victories and defeats for both sides. Peace could have been made, but neither side would quit while it was ahead. Some of the Athenian allies revolted and were massacred. Demagogues rose to power in Athens itself. There were endless casualty lists. In the end the treasury of Athens was empty and her last fleet was destroyed.

The Spartans moved in, at long last, and Athens surrendered. The city's walls were tore down and its democracy was replaced by an oligarchy, the "Thirty Tyrants." The great days were over.

We have to think that the fellow who compared Vietnam with ancient Syracuse was a mere croaker. We have to believe that our power and wealth are everlasting. Our follies will be excused. Nothing bad can happen to us. We're Number One.

HELIUM CONSERVATION

Mr. ALLOTT. Mr. President, recently, a paper concerning helium and its conservation has come to my attention. The author of the paper, Dr. Charlotte A. Price, used helium and the helium conservation program as the subject of her doctoral dissertation; therefore, her interest has been substantial and her knowledge of the subject is great. In addition, as an academician her motivation is not encumbered by any pecuniary interest.

Dr. Price summarizes the history and termination of the helium conservation program in a very succinct manner. To complete the picture, however, it should be noted, that three of the four conservation contracts have been given temporary life due to a temporary injunction issued by the Federal District Court in Kansas, and upheld by the court of appeals. The court held that the Secretary of the Interior had failed to comply with the National Environmental Policy Act. With respect to the fourth contract, a suit has been filed in the Court of Claims, and while the court has yet to determine damages, it has found liability on the part of the Government. So far in its efforts to terminate the conservation program, the courts have ruled against the Government in every decision. From this it would appear that the courts find an environmental impact in the termination of the helium conservation program. Surely, this conclusion is warranted as it is difficult, if not impossible, to justify the venting of an irreplaceable resource such as the helium from the helium rich natural gas deposits of the Hugoton field. Currently, helium is still being extracted from the natural gas and stored in the Cliffside facility.

Dr. Price discusses some of the important potential uses of helium as those

uses relate to electric power generation and transmission and high speed ground transportation—subjects of substantial interest to the Congress. Both uses can achieve substantial environmental benefits if the application of the technology is successful and the supply of helium is adequate. In light of this, Dr. Price urges increased conservation and storage of helium so that our technology in the fields of superconductivity and super magnetism will not falter for lack of the necessary natural resource—helium. She recommends certain revisions in the helium conservation program, some of which would require legislation. Certainly, Dr. Price's recommendations deserve careful consideration.

Mr. President, I ask unanimous consent that the paper entitled, "On the Future of Helium," by Charlotte A. Price, Ph. D., be printed in the RECORD.

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

ON THE FUTURE OF HELIUM

(By Charlotte A. Price)

The National Helium Conservation Program is at a crossroads. In early 1971 the administration decided to abandon the conservation program; but the courts have thus far refused to permit termination and have instead required the program's continuance until an Environmental Impact Statement is prepared and evaluated. This discussion evaluates the reasons given for the proposed abandonment; suggests what an environmental impact statement should consider; and indicates the policy changes a revision of the legislation on helium conservation ought to contain, including a user tax to aid in the financing of helium conservation. The view developed below also concurs with the recommendation of a committee of the National Academy of Sciences.[1]

THE CONSERVATION PROGRAM

Conservation consists in extracting helium contained in natural gas, before the latter is delivered by pipeline, and storing it for use when the helium-containing natural gas fields will have been exhausted. It was initiated following the "1960 Helium Act" (The Helium Act Amendments of 1960; Public Law 86–777, 9-13-60) which set up the National Conservation Program. In 1960 the rate of consumption of helium in the United States—most of the world total—was 0.4 billion cubic feet of gas per year, and this rate was growing by about 20% per year. Use of helium then divided in comparable fractions into aerospace; older uses such as welding and lifting gas; and the more "technological" leak detection, cryogenics, chromatography, etc. All was produced in Bureau of Mines plants: roughly 80% for federal government uses, priced at $15.50 per MCF (thousand cubic feet), the remainder for non-government users at $19.00 per MCF. The helium was extracted from natural gas fuel of the Kansas-Oklahoma-Texas fields in which it is found at concentrations of roughly 1%, before the natural gas was carried by pipeline to users. This helium is at the highest concentrations (except for some relatively small quantities in non-combustible gases) found in natural gas deposits, and is by far the largest total quantity known in concentrations of more than 0.3%, the conventional limit for reasonably inexpensive extraction. (Relatively small quantities are extracted from natural gas in Canada and the Soviet Union, are in prospect in Algeria, and may be obtainable in Western Europe.)

Footnotes at end of article.

In 1960 the recoverable helium contained in the natural gas being carried by pipeline was about 4 billion cubic feet per year, so that all but about 10% of it was then being dissipated into the air when the gas was burned. The helium-rich gas source was expected to decline from a maximum around 1970, to exhaustion before year 2000. Thus, the principal source of helium was being dissipated. The conservation program was proposed in the "Chilson Report": [2] The government would purchase additional helium (extracted from natural gas, mainly of the Hugoton and Panhandle fields) from private plants to be built on the basis of long-term supply contracts, and store it underground in the Cliffside structure near Amarillo. The 1960 Helium Act provided that these purchases would be financed partly by raising the price of all Bureau of Mines helium to $35 per MCF; and partly by Treasury loans to be repaid from sales, with interest, by 1985 (or, by a possible extension, 1995). The reduced program eventually authorized by Congress provided for up to $47.5 million of purchases per year; and by 1970, 3½ billion cubic feet per year was being stored. Amendments to the original bill,[3] however, together with the availability of the sources which could not be contracted for within the program as authorized, led to entry of private producers supplying nonfederal helium consumers. Private extraction plants have been built and their helium is being sold at $20–25 per MCF (undercutting the Bureau of Mines price) to a rapidly increasing private sector of the market (60% in 1970); and now the government's contractors may also be buying from this source rather than the Bureau of Mines, partly because their requirements of *liquid* helium are thereby more easily met. Also, the government purchases have declined since 1966, mainly by a shrinkage of the NASA requirements. Although the material situation has remained essentially as was originally assumed, the financial functioning of the program has become impossible under the existing legislation.

The legislation had implicitly assumed the continuance of the government's monopoly on sales for consumption while explicitly encouraging the entrance of private industry. Furthermore, adequate contract authorization to commit all major sources of wasting helium in the Hugoton area to storage contracts was not made, thus opening the possibility for recovery for current sale on a large scale outside the program. By 1968, two privately owned plants were operating in Kansas that had as a final stage of their recovery the liquefaction of helium. In addition to the problems described above, the helium conservation program in the later 1960's suffered from inadequate borrowing authorization, so that one year's helium storage deliveries were being paid for in a later year.[4]

ABANDONMENT

The administration's resolution of these difficulties was to cancel the four conservation supply contracts,[5] and to provide in the Fiscal Year 1972 budget for termination expenses only. That is, attempt to abandon the conservation program. The reasons given are:

1. The intent of the 1960 Helium Act is conservation for government needs only; and these are now, and are expected to be in the future, less than was then contemplated, and can be met eventually from the helium already stored.

2. New sources of helium have been discovered in the last decade.

3. Improved technology is making extraction from lower-concentration sources economical.

The correctness of the first part of point 1 is a matter of debate. In any case it is appropriate for Congress to consider now what the public purpose *should* be. The view is presented below that substantial and growing needs outside the government's present uses require a conservation program. (The federal share of helium consumption is decreasing, and in 1970 was 40%.)

Point 2 refers mainly to the Tip Top field in Wyoming, a non-wasting source (low fuel content, the remainder acid and toxic) with a helium concentration of 0.8% and proven reserves variously put at 1½ to 3 billion cubic feet (on the order of 1% of the present national total).[6]

Point 3 appears to assume that lower concentration sources will be available for a long time, in the circumstances following abandonment. The prospect, however, is for the lower-concentration recoverable supply to be substantially exhausted before it would otherwise be brought into use.[7] (If we go beyond present proved reserves to hypothetical future sources,[8] then a limited respite, perhaps to early in the 21st century, is a possibility. The 30 billion cubic feet now stored in Cliffside, if held intact meanwhile and then applied to the total demand, would be good for hardly an additional decade.) All known natural gas sources in the continental United States are in aggregate expected to decline, and probably quite rapidly decline a decade or two from now. With these sources goes the recoverable helium content unless it is recovered. Even ignoring cost differentials, it still is clear that lower concentration helium will only be available for a few years beyond that time when there is no higher concentration helium (i.e., helium available at lower recovery costs) unless fields containing lower concentration helium in combustible natural gas are shut in to conserve the helium. Since shutting in fields with high concentrations was considered politicly unacceptable in 1958,[2] doing the same for a poorer source now, particularly in an era when natural gas is the favored fuel of those concerned with environmental pollution, seems unlikely. Thus, from the present situation, we should anticipate a helium shortage progressing to a virtual shutoff over the next few decades. Conservation to anticipate this must be a strong program over the next two decades.

HELIUM CONSUMPTION

Estimates of future helium demand have varied widely and have been based on disparate methods.[9] The most recent available projections are as follows:

U.S. HELIUM DEMAND

[In billions of cubic feet per year]

	Bureau of Mines [10]			Stanford Research Institute [11]	
Year	Low	Medium	High	Lower	Higher
1975	0.84	1.1	1.4	1.1	1.1
1985	1.08	1.75	2.35	2.37	2.37
2000	1.4	2.5	3.6	3.82	5.03
2025				8.9	17.9
2050				23.17	67.52

Helium sales for consumption are sensitive both to fluctuations in economic activity in general and to federal users' policies.[12] (NASA's cut back and the end of World War II are examples.) They are accordingly prone to short-term fluctuations; the decline in the later 1960's is not a unique instance.

Many new uses of helium which are at present in the development stage, especially large scale applications of superconductivity (underground transmission of electric power; power conversion and propulsion machinery; fusion power generation; magnetic-levitation transport systems) are almost certain to require large annual quantities of helium when and if they are realized. The uses mentioned, and perhaps others, may provide answers to pollution problems of present and future concern. The Congress, and other proponents of the helium conservation program, ought to insist that the Environmental Impact

Statement now being prepared under court order evaluate *all* potential uses of helium for the effect of their availability or non-availability on the environment 10 to 50 years hence.

Whatever likely level of demand is actually realized in the absence of any future conservation,[12] the capacities of the existing extraction plants will be exceeded some time in the 1980's; and whatever additional installed capacity is called forth by demand is destined to be outrun before, or soon after, year 2000.[14] The helium already stored before termination of conservation would carry us some years further; maximum possible conservation from now on would supply decades further.

Public policies

There seems to be a consensus that the helium legislation needs revision; continuation of the pre-existing conservation program while a new one is enacted is desirable. Helium conservation is needed on the basis of the entire national (if not world) requirements, rather than the part which happens to be "federal". It cannot be assumed that private enterprise will make a massive long term investment of this character.[15]

The anticipated magnitude of the need for present conservation can be made to vary according to one's assumptions is areas of conjecture. I believe that in such matters the appropriate basis of public policy is more nearly best-worst-case reasoning than reliance on a single expectation value of each variable. One cannot go back to revise an erroneous anticipation of conservation needs, and the alternative possible mistakes—an investment in an unneeded supply, and unavailability of a needed one—are not of equal social disvalue. I, therefore, advocate the maximum reasonably procurable storage of helium.

The pre-existing program might have been viably financed under the 1960 legislation if the government's monopoly, at the $35 price, had been preserved. As restoration of this is now impracticable, a uniform tax on helium purchases (for consumption, but not for general storage) of $10–15 per MCF could be substituted. A tax of this magnitude, applied uniformly to both government and private sales, would discourage the entrance of new suppliers whose sources are non-wasting (non-combustible) natural gas. The tax will not significantly reduce helium demand quantities, but will discourage development of uses in which the helium has a substitute.[16] A new pricing policy will have to be worked out for Bureau of Mines sales. The objective would be for their price including the conservation tax to approximate the market price including the conservation tax. This would remove whatever budgetary pressure there is for other agencies to subcontract helium, and could provide a surplus to the Helium Activity to be available to update their process for helium recovery, including the installation of liquefaction capacity.

Additional public funds needed to finance extraction for storage should not be based on a rigorous detailed "pay back" formula, since the circumstances when the stored helium will be used are not foreseeable in the necessary detail. The problem is rather to bring into being, promptly, new extraction plants for recovering wasting helium for storage.

FOOTNOTES

[1] *Resources and Man,* W. H. Freeman, San Francisco 1969. One of the four Early Action recommendations concludes: "The Helium Conservation Program should be carefully re-evaluated to determine if it can meet helium needs beyond the early part of the 21st century. If such evaluation leaves any question at all about the adequacy of the program, the program should be extended without delay to apply to lower concentrations of helium and more natural gas fields."

[2] O. Hatfield Chilson, Chairman, Helium Policy Working Group, "The Cost and Implementation of a National Helium Conservation Policy," January 24, 1958.

[3] An amendment added in Committee stated that it was the sense of Congress that individual enterprise be encouraged in helium production while another amendment set a floor under the sale price of any surplus available to a government contractor supplying helium for storage.

[4] U.S. House of Representatives Committee on Interior and Insular Affairs, Hearings: "Federal Helium Conservation Program," 15 and 16 September 1969 (hereafter cited as House, September 1969 Hearings), p. 4. This practice apparently was the basis for one of the contractor's suing the government for violation of contract and requesting termination even before the administration took action to abandon conservation. (See Note 5.)

[5] U.S. Senate Committee on Interior and Insular Affairs, Hearings: "Oversight on Helium," 23 March 1971 (hereafter cited as Senate, March 1971 Hearings), pp. 1–3. The contractors have sued in Federal court, and at the time of this writing (March 1972) three of the cancellations are suspended by an injunction, pending the submission by the Department of the Interior of an Environmental Impact Statement on the proposed cancellation of the conservation program. The fourth contractor has been awarded a summary judgment on its suit against the Department of the Interior for violation of contract, based in part on the slow payment by the government for deliveries of helium for conservation storage.

[6] Senate, March 1971 Hearings, p. 24; and House, Sept. 1969 Hearings, p: 262.

[7] See for example Chart No. 5, p. 218 in House, Sept. 1969 Hearings.

[8] See for example Chart No. 9, p. 222 in House, Sept. 1969 Hearings; M. King Hubbert in Reference 1, p. 187ff.

[9] For a discussion of questions involved see pp. 242–256 of House, Sept. 1969 Hearings. More generally, this Hearings record contains discussions of the various uses of helium.

[10] See pp. 178–183 of House, Sept. 1969 Hearings.

[11] See pp. 53–64 of Senate, March 1971 Hearings.

[12] C. A. Price; "The Helium Industry: A Study of a Federal Government Monopoly," Ph.D. dissertation, Columbia University, New York, 1967, pp. 59, 249.

[13] There is, of course, the question of the effect of changed expectations of future helium availability on the industrial development of uses with a large slowly-amortized investment. Also, the existence of extraction capacity left idle by cancellation of the conservation contracts may result in an enhanced promotion of helium uses and hence increased demand.

[14] An increased demand for natural gas may be expected because of its lesser polluting effect than other fossil fuels. (See *Dun's Review,* May 1971, p. 128.)

[15] See for example the statement of the President of the U.S. Chamber of Commerce filed in U.S. House Committee on Interior and Insular Affairs, Hearings: "Conservation of Helium", 11 March 1960, pp. 121–122: "On the other hand, it is very doubtful that private industry could afford to gamble on the future demands for helium which is to be produced over and above the current market demand. Underground storage for an indefinite future demand is quite different from the storage of natural gas during one season of the year for a predictable demand later in the year. The conservation of helium therefore, is a legitimate function for the Federal Government."

[16] C. A. Price, "Economics and the Conservation of Helium," *Proceedings of the 11th International Conference on Low Temperature Physics* (St. Andrews, 1968), Vol. 1, pp. 112–118.

GAMBLE NOT WORTH WINNING

Mr. CHURCH. Mr. President, two foreign policy experts with experience in Vietnam affairs have written a sharp analysis regarding the current conflict. The article entitled "A Gamble Not Worth Winning," written by Richard Holbrooke and Anthony Lake, deserves the Senate's full attention.

They point out the contradiction in our current course of action in Vietnam: Vietnamizing the war versus negotiating for a compromise settlement. And the result was inevitable, "the President's strategy ensured that an offensive would take place" against the South Vietnamese. This left the President with shortened options, "trying to create new bargaining chips while buying more time on the battlefield."

The authors of the article see the key to this dilemma in the way the President defines "internationally supervised ceasefire," a demand he has made over the past 2 years and a demand that has been consistently turned down by the North Vietnamese. Beyond this, the authors conclude that—

> In the end—the President's gamble may simply fail, regardless of what his goal is. North Vietnam has fought on before, and seems determined to do so still, until it achieves what it has bled so long to get.

I ask unanimous consent that the article entitled "A Gamble Not Worth Winning" and a separate article by Mr. Holbrooke, entitled "Relentless Patterns to Our Vietnam Nightmare," be printed in the RECORD.

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

A GAMBLE NOT WORTH WINNING

(By Richard Holbrooke and Anthony Lake)

The writers have worked on U.S. Vietnam policy since 1963 in South Vietnam, the State Department and the White House. Holbrooke is now managing editor of Foreign Policy magazine. Lake, a former special assistant to Henry Kissinger, has been foreign policy coordinator for Sen. Edmund Muskie.

How did we get from there to here in Indochina? Why are we mining the entrances to Haiphong in 1972? And where is the President taking us?

Not easy questions, on this weekend when so much is at stake for all of us, and we can do so little. But it is still worth looking at them. The gamble the President has taken is not yet played out. What he has set in motion can end in several ways, none of them very pleasant.

When he took office in 1969, Richard Nixon faced a basic choice about Vietnam: In the most elemental terms, he had to decide whether, the war being unwinnable, he would seek a dignified and rapid withdrawal under terms favorable to the North Vietnamese; or whether he would find a different strategy with which he could maintain his predecessor's commitments to the Saigon government. In short, he had to choose between what Stewart Alsop has called the "figleaf" and fighting on at a level that was politically tolerable at home.

There has been extensive argument over the years as to which course the President did in fact choose, so skillful was his administration in covering his objectives with verbal acrobatics. However, given the basic fact that the war is still going on in the fourth year of his presidency, it seems safe to

conclude that at the most critical levels of his own consciousness the President chose the latter approach of continued commitment.

As he has said so often, he pursued this course on two tracks—Vietnamization and negotiations. In theory, success in Vietnamizing the war would strengthen our negotiating position and, hopefully with Soviet assistance, persuade Hanoi to reach a "reasonable" compromise that would give a non-Communist government in Saigon a decent chance for survival, or at least allow a "decent interval" before the Communists gained political power.

As the President put the theory in February, 1970: "Vietnamization is not a substitute for negotiations, but a spur to negotiations. In strengthening the capability of the government and people of South Vietnam to defend themselves, we provide Hanoi with an authentic incentive to negotiate seriously now. Confronted by Vietnamization, Hanoi's alternative to a reasonable settlement is to continue its costly sacrifices while its bargaining power diminishes."

TIME RAN OUT

But something went wrong. It is brutally evident now that the two tracks were contradictory not complementary. Negotiating strength comes from success on the battlefield and enough time to outwait the other side. In effect, Vietnamization was a means of trading our military strength in Indochina for time here at home. It didn't work. The decline in American military power was not matched by growth in Saigon's capability. And the President ran out of time—not in the United States but on the battleground, where North Vietnamese troops, tanks and artillery shattered American hopes (and many illusions) that the South Vietnamese army could "hack it" without prolonged American air support, and perhaps even with it. In contrast, there is irony in the reversal of 1968, when LBJ ran out of time at home while retaining a substantial military capability in Vietnam.

In retrospect, Vietnamization could not prevent the inevitable North Vietnamese offensive. If Hanoi believed Vietnamization might succeed in the long run, it would feel forced to strike against it when U.S. force reductions made the situation favorable, and before the South Vietnamese could consolidate a hold on the countryside. As they endlessly told us, the North Vietnamese would not let us win; nor would they let us negotiate from a "position of strength."

On the other hand, if Hanoi saw Vietnamization as only a minor military threat, it would then set out to destroy it at whatever time was politically most advantageous.

We leave it for future Asian history courses to guess which of these motives led Hanoi to its offensive. What is important here is that the President's strategy ensured that an offensive would take place.

And when might that be? Apparently convinced that a President would always be under greater inhibitions before an election, they would strike in 1972 and demonstrate the weakness of his position as he fought for reelection. They would undoubtedly have remembered some lessons from the unforgettable past: It was in years just after presidential elections—1961, 1965 and 1970—that the United States embarked on its most serious expansions of the war—beginning the advisory war, in 1961-62; beginning bombing of the North and introducing ground troops, in 1965 and adding another country to those which had seen American ground troops, in 1970.

Hanoi's success—even partial preliminary success at Quangtri, Bongson and Tancanh in April—meant that the President's strategy had failed. Having unilaterally withdrawn most U.S. troops, he could no longer offer their withdrawal in return for the kind of compromise he sought. And a demontrated weakness in the war theater meant he could not force Hanoi to come to terms. In short, he had lost both his carrot and his stick.

He thus faced the same choice that Lyndon Johnson faced in 1965 when Saigon's army, its strategic reserve gone, reached the brink of collapse. Like Johnson, he would not "be the first President to lose a war." But unlike Johnson, he could not buy more time by sending American infantrymen to the rescue.

CEASE-FIRE IS KEY

So the mines were dropped in the harbors and the bombs are falling again around Hanoi. An American President is trying to create new bargaining chips while buying more time on the battlefield.

Yet the question remains: What is he trying to accomplish in creating this new "position of strength"?

There is space here to discuss only his goals in Indochina, not the tactics he is following with the Kremlin.

Speculation on what the President wants must center on three general possibilities:

It is a military strategy designed to save the Saigon government and put it back on its feet.

It is part of a continued effort to negotiate that "genuine" compromise settlement which he has repeatedly said he seeks.

It is a charade to cover the reality of an American capitulation—negotiating a surrender from strength.

Obviously, progress in the first objective would support either of the latter two goals. But all three present problems and risks, not only for the President, but for us all.

If he is pursuing only the first objective—a military strategy—he is betting his own political future, and much more, on the argument of the American military that trying to seal off North Vietnam's borders will succeed in turning the tide of battle in the South. But even our government itself is apparently divided on the potential effectiveness of this course. And pursuing this strategy would tie the President's success to that of the South Vietnamese army. Events of the past month should not encourage pursuit of this goal.

The key to whether he is following the second or the third course—either an "honorable" compromise or a disguised surrender—lies in how he now defines the "internationally supervised cease-fire" which he has demanded in all his negotiating offers of the past two years, and which he repeated in his speech Monday night. (It should be noted that he also toughened the American position on POWs by demanding that they be returned *before* American withdrawal, rather than simultaneously.)

If the President insists that the cease-fire include meaningful supervision, an indefinite duration and limitations on the North Vietnamese military presence in the South, then it would be clear that he is pursuing the second goal, which would give President Thieu a good chance for survival.

But if he is willing to accept a weak cease-fire, which allowed Hanoi to resume the fighting after final American withdrawal, then it could be said that the President is following the third course, and seeking a camouflaged capitulation.

We cannot know which course it is to be. The White House is predictably keeping a public silence on what its cease-fire really means.

There is good cause for uncertainty, and little reason for satisfaction, with either course. The second goal is almost certainly unattainable—why should Hanoi accept any cease-fire arrangement which restricted its ability to play what it sees as a winning military hand? As Madame Binh, head of the NLF delegation in Paris, told The New York Times on May 10, "While we are in a military situation which is favorable to our struggle (Nixon), calls for an immediate cease-fire. This means we must drop our weapons before the problems are solved and we must release all the prisoners. And only after these things are carried out will Mr. Nixon decide on a troop withdrawal."

Her statement demonstrates that despite past claims that both sides have accepted the "principle" of a cease-fire, it has been and remains a contentious issue. The other side includes a cease-fire in its own seven-point package, as a part of a settlement on their terms. So to claim that a cease-fire is not an issue is like saying that both sides accept the principle of victory. The question has been *whose* cease-fire, as it is whose victory. And the war goes on.

THE PRICE OF FIGLEAVES

The third course is obviously more acceptable to Hanoi. They would prefer a weak cease-fire to a strong one. But even this charade might not be negotiable. What foreign nations or international body would want to supervise a sham cease-fire that might allow us to withdraw and leave them holding an explosive bag? And to accept the deal, Hanoi would have to trust the President. They would have to be confident that the United States would keep the implicit bargain, and not return to Saigon's rescue if the cease-fire broke down. The question is not whether the United States would actually do this, but whether suspicious North Vietnamese leaders believe we might resume the war once we got the prisoners back, and the U.S. election were safely past.

But suppose for a moment that the President was in fact following the third "charade scenario" and Hanoi bought it. The President might have won his figleaf, but at what a price. Division at home. A serious threat to the possibilities for detente and an arms control agreement. The inherent riskiness of a de facto blockade. The chance of an international confrontation.

And more—if it turns out to be just a search for a figleaf, a desire to preserve "respect for the office of the presidency," that quest will have been paid for in the lives of Vietnamese, the forgotten people of their own war.

The figleaf, assuming it can exist at all, would not be worth such a price. It would be better to forgo the charade, and simply try to trade our total withdrawal for the return of our prisoners.

In the end, of course, the President's gamble may simply fail, regardless of what his goal is. North Vietnam has fought on before, and seems determined to do so still, until it achieves what it has bled so long to get.

Success in gaining any of the goals the President seems to be pursuing is either unlikely or not worth the cost. As Joseph Kraft observed on Thursday, "President Nixon is risking almost everything to gain practically nothing."

"WEARINESS HAS ALMOST OVERCOME HORROR": RELENTLESS PATTERNS TO OUR VIETNAM NIGHTMARE

(By Richard Holbrooke)

The President has just offered North Vietnam the best deal ever, the softest terms of the war; at the same time, the same man has just found a new way to escalate what he carefully calls "acts of force" against North Vietnam.

Question: When did this happen?

Answer: It has happened almost every year since 1964.

This is obviously different, and more serious, than those that preceded it. But there are relentless patterns to our nightmare, and it has become so numbing that weariness has almost overcome horror. Consider the following:

We refuse to negotiate from weakness. So

does Hanoi. But how can both sides negotiate from strength at the same time?

The administration says that it undertook Vietnamization to strengthen its negotiating position. But how could our negotiating position get stronger as our military firepower got weaker?

How will it finally end—will we be negotiating from strength by bombing Hanoi, while the position of the South Vietnamese collapses in the South? We will end up offering Hanoi everything it wants in the South while simultaneously leveling the North?

Ever since the war began, and regardless of who has been President, we have followed a single, simple, central philosophy—that if we increase our military pressure against the other side, then Hanoi will offer, or accept, more "reasonable" peace terms.

This theory was devised before Vietnam, and tested, apparently successfully, in the Cuban Missile crisis ten years ago. Show them that we are determined, start gradually up the ladder ("graduated reprisal"), adapt our military power to the specific situation ("flexible response"), and they will see that their best course is to back down.

This theory has never worked in Indochina. There is no historical evidence to support the hope that it will work now.

When Dean Rusk was Secretary of State, he talked often of the countless Chinese backing up their friends in North Vietnam. To Rusk, that was the threat behind the threat. He seemed to downplay deliberately the Russian role in supporting Hanoi so as to leave the Russians with maximum breathing room and to avoid another Moscow-Washington confrontation.

In contrast, in his speech May 8, President Nixon did not mention China once. This time the threat behind the threat came from Moscow, and Mr. Kissinger said the next day that "prior to a meeting that had, and still has such high prospects, [the Russian leadership] should ask themselves whether it can be in the interest of either party to impose a major setback on the other."

In every major communist offensive, our intelligence has underestimated the enemy. In 1959, we failed to see the signs of the gathering guerillas. In 1962, we overlooked the evidence that the Viet Cong were forming into battalion-sized units. In 1965, the power and size of the North Vietnamese assault was unforeseen. In 1968, we missed both the timing and extent of the Tet offensive. In 1972, having predicted an offensive, our intelligence was still stunned by the massiveness of it—and by those tanks that came out of the jungles. The failure to . . . Vietnamese Army—with tanks and artillery—must surely rank as one of the worst intelligence failures of modern warfare.

In 1954, the French artillery commander at Dien Bien Phu, Colonel Piroth, placed his artillery pieces on top of the hills that formed the French positions, and waited confidently for the battle in which the Viet Minh would be demolished. On the night of March 16, 1954, the Viet Minh opened up on the French positions with the equivalent of an artillery division, and virtually destroyed the French artillery. General Navarre, commanding, called it "the major surprise of the battle." Colonel Piroth, on the night it began, went back to his bunker and committed suicide.

Why do we bomb North Vietnam? The reasons given over the years have varied enormously. To the military, we bomb to win. To some, we bomb to stiffen morale in Saigon, or to save American lives. To others, the bombing is a "blue chip for bargaining." In 1965, when the bombing debate was fierce, someone called some of this latter group the "doves for bombing." If you think that theory received a proper burial, listen to Dr. Kissinger, May 9, 1972, defending the "very difficult decision" to bomb and mine. "We want to be in a position that if our assessment is incorrect, and things should turn out not as well as we hope (in the ground war in the South), that we have some bargaining position left on behalf of the Americans who will then be threatened, and of the Americans who are now prisoners."

In 1946 Jean Sainteny, the great Frenchman who tried to prevent war between North Vietnam and France, saw his efforts breaking down. Ho Chi Minh, who respected and liked Sainteny, is reported to have said to him: "If we go to war, you will kill ten Vietnamese for every Frenchman who dies. But we will pay that price, and you will not be able to."

Ho is dead, but his words are still true. When we replaced the French, we inherited the most determined and toughest enemy we have ever faced. This is not intended to turn the North Vietnamese into heroes, simply an attempt to recognize their refusal to quit—and our inability to make them quit. Like the fisherman in Hemingway's The Old Man and the Sea, the North Vietnamese can be destroyed but not defeated. Except that to destroy them would mean using unthinkable weapons against unthinkable targets.

And finally, the President has put everything including "respect for the Office of the Presidency" into his terrible gamble, (it seems odd to stake the American Presidency on the fighting ability of the South Vietnamese Army).

If he succeeds in the gamble—then we may be able to breathe more easily and think about other things. But the most ominous parallel is not in the past, but rather the future. What if two weeks from today the North Vietnamese offensive is still moving steadily forward, and the South Vietnamese are still falling back? What will his next speech say? Perhaps something to the effect that ". . . I made them a reasonable offer on May 8, and ordered certain military steps to protect our remaining forces . . . They have arrogantly replied by . . . In these circumstances, any President who failed to act decisively would have betrayed the trust of his country and the cause of peace. I will not take the easy path politically . . . I have therefore ordered, in full coordination with the Republic of Vietnam, the following measures, which are being implemented as I am speaking to you . . ."

But, whatever those "measures" are, they will not work. They will not stop Hanoi's aggression. They will not end the war. As Ho Chi Minh tried to tell the French 25 years ago, his forces will outlast everyone else in Indochina—by at least one day.

RUSS TANNER ELECTED CHAIRMAN, ROCKY MOUNTAIN COLLEGIATE PRESS ASSOCIATION

Mr. HANSEN. Mr. President, recently the Rocky Mountain Collegiate Press Association held its convention in Fort Collins, Colo. At that time Mr. Russ Tanner, editor of the Oracle, the student publication at Western Wyoming College in Rock Springs, Wyo., was elected Wyoming State chairman of the Rocky Mountain Collegiate Press Association.

I wish to congratulate Mr. Tanner on his election to this post. In addition, I would like to recognize the accomplishments of the Oracle, an outstanding publication.

Mr. Tanner, in addition to being elected Wyoming State chairman, won first place in editorial writing, junior college division, at the convention.

The award was based on his editorial appearing in the November 19, issue of the Oracle and entitled, "Censorship." Mr. Les Allen of the Oracle staff won an honorable mention on his news article entitled, "Rights and Responsibilities is an Open Issue of 18-Year-Olds." I ask unanimous consent that the editorial and news article be printed at the close of my remarks.

The awards to the Western Wyoming College Oracle are particularly gratifying in light of the fact that this junior college is a relatively new junior college in the State of Wyoming. The high quality of the student newspaper is just another indication of the high standards of this educational institution and the fact that it has taken its place within the Wyoming junior college system. Western Wyoming College is playing an important role in the education of our young people.

I offer my heartiest congratulations to Mr. Tanner, Mr. Allen, to the staff of the Oracle, and the student body of the Western Wyoming Junior College for their outstanding accomplishments.

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

CENSORSHIP

In recent weeks censorship has become somewhat of a problem for Wyoming collegiate publications. The most glaring instance occurred soon after the University of Wyoming Branding Iron on October 15 printed an information article listing names, addresses and phone numbers of abortion referral agencies in Denver.

The following issue of the Branding Iron was intended to carry a nationwide abortion information advertisement. However, after protests from the Laramie Right to Life Committee, Vern Shelton, the assistant to the president for communications, called the printer, informing him that the advertisement was probably in violation of an 1890 abortion statute making it illegal to induce or advise persons to have an abortion. According to Branding Iron Editor, Ric Moser, the printer has since refused to print similar articles. Incidentally, a similar ad was printed in the BI last year and was submitted to the Oracle.

No charges have been filed thus far, and no official request for an attorney general's ruling has been made. However, Wyoming Attorney General, Clarence Brimmer, has indicated that the printing of such material could, in addition to violating the abortion statute, be a violation of the state's criminal conspiracy code. That is that Editor Moser and his readers could constitute conspiracy with the Branding Iron as a vehicle of communications. This, though, would be practically impossible to prove.

The fact that no official action has been taken does not mean the censorship is not real. On the contrary, censorship usually is indirect and disguised.

As a college newspaper editor, there are three reasons why this incident particularly distresses me. First, there seems to be a lack of confidence in the integrity and ability of college journalism students. In the case of Ric Moser, his ability in journalism is well known throughout the Rocky Mountain Collegiate Press Association. He served on the staff of the award-winning Chinook from Casper College prior to serving on the Branding Iron staff. Since becoming editor of the BI, Moser has regained much of the student respect which it had lost the past couple years.

As for integrity, we are all entrusted with certain rights and among these is the right to a free press. This right has protected all others and has been cherished by writers for nearly 200 years. The integrity of college journalists in Wyoming, of Ric Moser, is the same integrity that has kept free press vital in America.

Second, I fear the future implications that

could result. If the Branding Iron were to be judged in violation of this abortion statute, the way would be paved for the end of editorial comment. The precedent that this would set would allow such clauses in future laws to curb any biased commentary on any controversy.

Third, the impairment of free press is so devastating that if allowed to continue it could destroy all of our freedoms. Even if such action as the Branding Iron incident is not enforceable, it seriously weakens an Editor by placing a stigma on him which tends to devalue his commentary even in his own mind. It makes him fearful and thus unable to fulfill his obligation to serve readers by not only bringing them the facts but by making them aware of the implications of these facts. Without this news would be so drab it would soon be meaningless due to boredom.

Superficially, the censorship of the University of Wyoming Branding Iron is nothing to worry about. But I fear its future, I fear the possible precedents that these restrictions could set. If allowed to grow, this situation would slowly yet surely lead to the end of all of our freedoms. Freedoms that have helped America become the greatest nation in the history of the world.

RUSS TANNER.

PARTIES WOO YOUTH VOTE: "RIGHTS AND RESPONSIBILITIES" IS AN OPEN ISSUE FOR 18-YEAR-OLDS

(By Les Allen)

The 26th Amendment to the United States Constitution, the fourth to enlarge the electorate since the Constitution was adopted, extended the right to vote to the 18- to 20-year-old citizens in city, county, and state elections. It became effective when Ohio became the 38th state to ratify it. This Amendment leaves the issue of setting the age of majority, regarding other rights and responsibilities for this age group, up to the state legislatures. There are over 140 sections in the Wyoming State Constitution dealing with other rights and responsibilities of citizens at the age of majority.

According to Robert H. Johnson, Democratic State Senator, the 18-year-old rights and responsibilities measure that was introduced in the last legislature was defeated because it was not in proper form. He said he believed it would have caused more hardship and litigation than it would have done good. Senator Johnson said that a computer went through 141 sections of the State Constitution, picked out everything that said 21, and changed it to read 18.

Johnson said the Probate Code was inconsistent, allowing an 18-year-old to own property but not dispose of it in a will. Whether an 18-20-year-old criminal offender is sent to the state prison or a state industrial training school is presently an open issue, left to the court's discretion. According to Johnson, this question was left open in the defeated measure, as no change was specified in the Penal Code.

Johnson said he would urge the 18-20-year-olds to get involved in the party of their choice, as well as to vote. He said that an independent voter doesn't get to select a candidate in the primary election, and he believes that this age group could be very effective in the primary election process. He said that all a person who wishes to vote needs do to register is to go to the county or city clerk's office.

Don Anselmi, Democratic State Chairman, said he believed the rights and responsibilities measure that was introduced in the last legislature was tacked onto the 18-year-old vote amendment to the State Constituion by the conservative element in an attempt to defeat that amendment.

Anselmi said that he believed the age of majority should be lowered to 18 in some areas, such as the right to drink alcoholic beverages and marry, and retained at 21 in other areas, such as being a ward or a mental case.

He stated that a Statute Revision Committee has been instructed to research all laws of the state dealing with the 18-20-year-old group and present their findings to the next session of the legislature that will convene in January, 1973.

Anselmi said he believed an 18-year-old should be allowed to participate in county and state political conventions of either party. He said that a Democratic convention committee, of which he was a part, had met and came up with revised statutes to allow 18-year-olds to participate in the Democratic state conventions. He said these statutes must now be ratified by the convention.

He stated that the Wyoming Attorney General's Office is handing down an opinion as to residency in regards to 18-year-olds, especially college students. Wyoming presently defines residency as intent. He believed, however, that it was possible that residency of college students, who wanted to vote, might be determined on the same basis as residency for entrance to a college.

Bill Taliaferro, Republican County Chairman, said he believed that the 25,000 votes that the 18-20-year-old group represents in Wyoming has both parties wondering. He didn't believe this age group would vote along traditional party lines—Democratic because their father is a miner or Republican because their father is a rancher. He said they are a new element in the electorate that is not tied to old political doctrines. He thought a person should vote for the best man for the office and not strictly on a partisan basis.

Taliaferro said he could see possible problems with this age group voting due to a lack of information about the candidate, or their voting on a naive basis instead of for national reasons. He said he saw the possibility that the 18-20-year-old group might vote for an Elvis type candidate, instead of for the best candidate to fill the office.

In their political and social lives, Taliaferro said he believed responsibility was a necessary ingredient for the 18-20-year-old group. He said that a lowering of the age of majority to drink alcoholic beverages and marry at 18 was in his opinion a necessity at this time. He thought that this age group should make more of their own decisions instead of other people making decisions for them.

Taliaferro thought this would alleviate many problems and give this age group the opportunity to be full citizens. Taliaferro also believed this age group should accept the responsibilities of full citizens, along with the rights. He believed that the answer to the Penal Code change would lie in the State of Wyoming getting more varied types of treatment facilities for all age groups.

Lawrence Marty, Republican State Committeeman, said the Republican Party has formed a special state committee to aid the 18-20-year-olds in qualifying for registration. This committee also hopes to encourage them to register, participate in the campaigns, and furnish them with information regarding the issues.

Marty said the committee was more interested in creating interest in politics among this age group than in getting them affiliated with any one party. He said he would like to see a Young Republicans formed at WWC and participation by the youth in the form of block workers. He believed it was important for them to be involved in politics beyond just voting.

AMERICAN SYSTEM OF JUVENILE JUSTICE—ADDRESS BY SENATOR BAYH

Mr. STEVENSON. Mr. President, on May 4, the distinguished junior Senator from Indiana (Mr. BAYH) spoke at the annual dinner of the John Howard Association in Chicago. His topic was "the American system of juvenile justice." But that title does not adequately convey the breadth of the concerns Senator BAYH addressed. He talked of runaways and drug abuse and what are euphemistically called our youth correction programs. An estimated 1 million youngsters under 18 run away from home each year. More than 20 percent of college students have admitted using amphetamines; and there is a 70 percent recidivism rate for institutionalized first offenders.

He speaks of the work of the Subcommittee to Investigate Juvenile Delinquency, a subcommittee he ably chairs. And in particular he outlines the legislation which is the product of the indepth investigations of the subcommittee—S. 2829, the Runaway Youth Act; S. 3148, the Juvenile Justice and Delinquency Prevention Act; and S. 3538 and S. 3539, two bills which attempt to deal with the production, distribution, and diversion of the short-acting barbiturates.

So that we may all share the insights and prescriptions of Senator BAYH, I ask unanimous consent that his remarks before the John Howard Association be printed in the RECORD.

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

ADDRESS BY SENATOR BIRCH BAYH, JOHN HOWARD ASSOCIATION ANNUAL DINNER, MAY 4, 1972—CHICAGO, ILL.

No fancy phrases nor colorful rhetoric can properly convey the extent to which the American System of Juvenile Justice has failed. It has failed the society that created it. And, more important, it has failed the very young people it was supposed to help.

It was a little more than a year ago that I became chairman of the Senate Subcommittee to investigate juvenile delinquency. Since then I have travelled across the country studying the problems of young people and probing for the solutions to those problems.

What I have found about the magnitude of the drug problem, the plight of runaways, the collapse of correctional programs and the insufficiency of the institutionalized responses to these social ills, has caused me to seek a whole new series of programs for dealing with young people in trouble.

These programs have coalesced into several specific legislative proposals which I would like to discuss with you tonight. None of them is a panacea for the problems of juveniles who now find themselves confronting an archaic, impersonal system of justice. But I believe, that when taken together, the legislation I have introduced will provide useful reforms leading to an overall improvement in our system of juvenile justice.

RUNAWAYS

Our hearings into the problem of runaway youth brought out some alarming statistics. The most used figure for the number of American youngsters below the age of 18 who run away from home every year was one million. The problem has grown more acute in recent years: arrests of runaways having increased by 60 per cent since 1969. Along with the increase in runaways there has been a decrease in the average age of runaways, as more 11- and 12-year-olds flee from home to explore the mysteries of the cities.

Young people run to our major urban centers in the search for companionship, friendship and approval from the people they meet. Instead, they become easy prey for street gangs, drug pushers and hardened criminals.

Without adequate shelter and food, they fall victim to a whole range of medical ills from upper respiratory infection to venereal disease.

The paucity of compassionate programs to deal with runaways is appalling. More often than not the runaway is treated as a common criminal and harshly incarcerated so that delinquency becomes an all too logical second step. There are programs—however inadequate—to deal with delinquency, but little to help the runaway deal with the problems that caused him to run and thus to forestall delinquency.

The legislation I have proposed for helping runaways is designed to treat the sources of the unrest that causes young people to leave home. I propose that the Federal Government spent $10 million a year to finance temporary shelter facilities to take runaways off the streets and to facilitate their return home under conditions designed to prevent second and succeeding attempts to leave home.

The temporary shelters, which could be established by private groups in each community, without unproductive bureaucratic associations, would provide the runaway with short-term intensive counseling. Then, once home, the runaway and his family could receive follow-up counseling enabling the youngster and his parents to deal with the root causes of the young person's problems.

Such a constructive approach would not only treat young people with deserved compassion, but it would be an excellent deterrent to delinquency by keeping young people out of correctional institutions and by protecting them from the pitfalls of being loose in our urban jungles.

CORRECTIONAL FORM

The events last fall at Attica State Prison in New York stirred much controversy. But unfortunately the momentum for prison reform was not maintained.

This is a most important problem. One that should not be permitted to fade away. It is quite clear from a review of correctional reform programs that our present system of incarcerating juveniles with hardened adult criminals turns first offenders into well schooled repeat offenders.

A kid who takes a car for a joy ride has a good chance of ending up in an institution with three-time felons. By the time the youngster has completed his sentence he has received no counseling nor rehabilitation, but has been taught by older inmates many of the intricacies of a life of crime.

If we are to deal effectively with the problem of crime in this country, and specifically, if we are to deter delinquency, we must provide corrective and rehabilitative programs which deserve those adjectives.

Thus the legislation I have proposed for omnibus correctional reform includes the following provisions:

Large rural penal institutions would be replaced with smaller, community-based facilities. This, in turn, would enable inmates, including young people, to remain in contact with their families during the period of incarceration. This proximity to the inmate's community will also facilitate follow-up services including counseling and job placement.

I have the greatest respect for rural values; I am proud of my farming background. But I fail to understand what the value is in taking a kid from the inner city, placing him in a rurally located institution, teaching him how to milk a cow and then—when his sentence has been served—sending him back to the inner city hundreds of miles from the nearest cow. Correctional programs must be relevant; otherwise they are doomed to failure.

Funds would be provided by the Federal Government to the States for job training and rehabilitation programs so youthful offenders can acquire job skills enabling them to secure employment upon release. Also, basic education programs would be provided to young people who are institutionalized with the goal of aiding them in finding useful social roles.

Federal assistance for correctional programs would be made contingent upon the inclusion of drug treatment and rehabilitation within correctional programs. Included here would be follow-up services for paroled inmates in recognition of the fact that 70 percent of all crimes are drug related and that this is a special problem with youthful offenders.

Perhaps most important is the provision which would separate first-time youthful offenders from hardened criminals. We must stop letting our prisons serve as schools of advanced criminology and instead provide young people with special parole and probation programs. Incarceration is the most costly means of dealing with juvenile offenders, both in monetary terms and in terms of the cost to society of making hardened criminals from first offenders.

There is a remarkable 70 percent recidivism rate for institutionalized first offenders. This stands as clear testimony to the failure of our correctional programs. Only a major overhaul in concept and design will enable these programs to do their job properly. And this is nowhere more important than it is in its relation to young people.

DRUG ABUSE

The main thrust of the subcommittee's work in the area of drug abuse has been in the increasing use of amphetamines and barbiturates by young people. As you well realize, these drugs not only ruin the lives of frequent abusers, they are a direct and major cause of delinquent behavior.

More than 20 percent of college students have admitted using amphetamines and there is solid testimony that increasing use of amphetamines and amphetamine-like substances is spreading to the high schools and, in some cases, to the grade schools.

Fortunately the information brought out at our hearings and the ensuing public outcry were helpful in securing the rescheduling of certain amphetamines to limit access to them. Also, we were able to secure a decision by the Bureau of Narcotics and Dangerous Drugs to limit 1972 production of amphetamines to 20 percent of the 1971 quota. This is a long overdue recognition of the fact that amphetamine production is many times that needed to meet the legitimate need for these drugs.

We are also turning our attention to the matter of barbiturate abuse. To date there has not been the needed awareness of the grave dangers posed by barbiturates which, because of the severity of withdrawal, can be more dangerous to an addict than even heroin. According to a recent poll, there has been a 50 percent increase in barbiturate use by young people in the past three years. Our work has produced amazing evidence of the ready accessibility of barbiturates.

I have learned how readily available and inexpensive these drugs are from personal experience. Several months ago I visited a number of barbiturate treatment programs in California. During the course of a "rap session" with several barbiturate addicts, one young counselor at the Haight-Ashbury Free Clinic in San Francisco, himself a former barbiturate addict, slipped out of the session unnoticed. In a matter of minutes he returned with the fruits of several minutes effort: a handful of legitimately produced "yellow jackets," purchased for 25¢ a capsule from a local street dealer.

To help solve this problem I have introduced legislation to make it more difficult for these drugs to get on the street market. The present situation cannot be permitted to continue.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Probably the most important ingredient in our fresh approach to young people who run afoul of the law is the Juvenile Justice and Delinquency Prevention Act. Not only does this bill propose a complete overhaul in the national approach to juvenile delinquency, it finally provides the resources to deal successfully with juvenile delinquency in a manner commensurate with the problem.

This bill would create a White House level office to coordinate all the diverse Federal programs dealing with juvenile delinquency. It provides for a four-year, billion dollar appropriation of Federal grants to the States and public and non-profit agencies involved in delinquency prevention, treatment and rehabilitation.

There are responsible groups—and the YMCA can be counted in this category—which are able and willing to provide valuable services to young people in the battle against delinquency.

It is folly to tie these groups up in a maze of bureaucratic tape which reduces their effectiveness. This is why I favor the approach of direct Federal aid to qualified private agencies which, because of their expertise and community ties, can render the most useful services to young people.

We are dealing with sensitive young people who need personal attention as close to home as possible. For as long as assistance programs are too heavily oriented in the direction of governmental, institutionalized approaches we will be denying these young people the special, locally-based attention they need.

There are other important elements in this legislation:

It would codify into law needed guarantees for juveniles of their basic rights. Heretofore there has been a remarkable discrepancy in the constitutional protection accorded juvenile offenders and those accorded to adult offenders. Juveniles are no less deserving of the complete range of civil liberties available to their elders.

The legislation would create a national institute for juvenile justice to fill the gap in understanding about the handling of juvenile problems.

The institute, similar to one which has already been approved by the House of Representatives, would provide public and private groups with training and assistance in the deterrence of juvenile delinquency and the rehabilitation of offenders.

The problem of delinquency needs more than money; it needs people, trained people, people who care, people who can communicate.

In the same vein as the Correctional Reform Act, the Juvenile Justice Act would replace incarceration with carefully monitored probation and parole programs to keep young people out of penal institutions, whenever that is possible.

An experiment in such programs in California has proven most successful, with welcome drops in the recidivism rate and in the cost of working with juvenile offenders.

What I have provided here is an overview of some of the work we are doing in the Senate subcommittee. I offer no instant solutions, but I do offer an open mind and a willingness to forge new programs to replace those discredited by years of failure.

It is often said, with much validity, that the young people of this country are our future. How we handle those youngsters who are in trouble is not only a test of our sensitivity and concern, it is a measure of the depth of the conscience of our entire country.

Every time a kid in trouble is helped, it is an important gain, not only for the youngster and his family, but for society as well.

S. 520 CLOSED BASIN DIVISION, COLORADO

Mr. ALLOTT. Mr. President, I ask unanimous consent that a resolution adopted by the Rio Grande Commission be printed in the RECORD for the advice of the Senate. The resolution urges early action on S. 520, a bill to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley project.

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

RIO GRANDE COMPACT COMMISSION,
Colorado, Texas, New Mexico.

RESOLUTION

"Whereas, S. 520 and H.R. 5337 are before the 92nd Congress, 2nd Session, to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley Project, and

Whereas, the adoption of S. 520 and H.R. 5337 and the construction and operation of the project would greatly alleviate problems on the Rio Grande, would facilitate the United States fulfilling its international treaty commitments, and would foster harmony among the States,

Now, therefore, be it resolved, by the Rio Grande Compact Commission assembled in annual meeting at El Paso, Texas this 20th day of April, 1972, that the Congressional delegations of the States of Colorado, New Mexico, and Texas be urged to support these bills as written;

Be it further resolved, that the Secretary forward a copy of this Resolution to the members of Congress of the respective States, to the President of the United States, the Director of the Office of Management and Budget, the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, and to the Governors of the Compact States."

A CHILDREN'S HEARING

Mr. HARRIS. Mr. President, on May 11 I placed in the RECORD the first half of the text of children's hearing which I and others sponsored on April 12. I now ask unanimous consent that the final half of that transcript be printed in the RECORD.

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

A CHILDREN'S HEARING

Senator HARRIS. I want to call now on Mr. James Wahpepah. He has with him Raymond Green and Annette Hunter. Mr. Wahpepah is from Jones, Oklahoma, and is director of the Kickapoo Headstart Program in McLoud, Oklahoma. Mr. Wahpepah has encountered the current health, lingual and economic needs of Indian children. His main concern has been to secure adequate and relevant educational opportunities for American Indians. He has also worked extensively with migrants in and around the Jones-McLoud area. He is familiar with Indian problems generally in Oklahoma and around the country. He is president of Oklahomans for Indian Opportunity and a member of the Board of Directors of Americans for Indian Opportunity. James, Annette and Raymond, we're glad you're here. Do you have any beginning statement, James? You might just start off and say something in general about some of these matters you've been dealing with and then we could talk after that.

STATEMENTS OF MR. JAMES WAHPEPAH, DIRECTOR, KICKAPOO HEADSTART PROGRAM, M'LOUD, OKLA., AND ANNETTE HUNTER AND RAYMOND GREEN

Mr. WAHPEPAH. I think the general concern this morning has been to health matters, and I would like to mention some specific cases dealing with children. In our center we have 60 children, about 45 are Indian. Most of them are welfare recipients. It seems as though the facilities that are available through programs such as the present program that we're under seem to be sort of limited to where the recipient receives very little of the actual dollar. I'm trying to say that the system of delivery that is provided by legislation is limited in the local area. Another reason is that I think the recipient himself has very little say-so in what kind of service that he needs. For example, the other night there was a 5 year old Indian child that had a heart murmur or a heart condition. She was rushed to the emergency room of the local white hospital. At the hospital emergency room she had to go through the signing-in procedure, the forms; the parents had to sign forms and all of that. It turned out that she did have a medicaid card number. We felt that this child was an extreme emergency. It took about an hour and a half to two hours before the doctor would look at this child. Even then I, as a Headstart director, made a phone call prior to her going there. They wouldn't take my word. They had to go through this bit about qualified individuals. She was 5 years old. Those are some of the problem areas that I have come up against that deal specifically with attitudes, more or less, I think.

We do have a large number of Indians that are in this welfare category. Another matter relates to persons of the migrant labor force. A number of Indian people from my community are involved in the migrant labor program or activities. They generally leave the river valley near Eagle Pass, Texas in April and May and go up to Utah to do the sugar beet harvest. The problem with that type of situation is that the children of the migrant families do not have an adequate opportunity to take part in a formal classroom situation. They are in one camp for two to three weeks at a time and then they move on—there's no continuing educational experience. Those are primarily my concerns and I think that the legislation you're talking about should deal with that specific group. Indian people by and large are a proud people. They want to work and they want to have the opportunities that are generally available to most Americans. But it seems as though we need extra legislation, extra effort on the part of the powers-to-be to provide a little more in the way of opportunity for Indian people.

Today I have brought Annette Hunter who is a sophomore in high school and Raymond Green who is a junior. I would like for them to talk a little bit about specifically their school experiences and the problems that they encounter in the public school system. Annette, do you want to start?

ANNETTE HUNTER. The first thing is that we Indians have to pay 30 cents a day for breakfast and lunch. You just can't pay 30 cents a day for that. The food isn't very good. It's usually greasy and the bread is hard. The whites pay something like 25 cents.

Senator HARRIS. You go to public school? Where is that?

ANNETTE HUNTER. In McLoud. There are some white kids and some teachers that hate Indians. Many of the Indians think its better going to a boarding school than to a public school. Many of them look down on us because we are Indian.

Senator HARRIS. What tribe are you?

ANNETTE HUNTER. I'm a Sac and Fox.

Senator HARRIS. Are there any attempts to have books and studies about the Sac and Fox and about the Kickapoo and the other tribes that are in your area?

ANNETTE HUNTER. No. Only about us being savages or something like that in American History. We argue with the teachers and tell them we aren't like that. Then they send us down to the office to talk to the principal.

Senator HARRIS. Most Indian kids are in public schools in Oklahoma aren't they?

ANNETTE HUNTER. Yes.

Senator HARRIS. And schools get special money because of the Indians that are in the schools, did you know that?

ANNETTE HUNTER. No.

Senator HARRIS. There's a program called Johnson-O'Malley where a school that has Indian kids in it gets special money. But there's very strong discrimination against Indians in many places including our state and others.

What about you, Raymond, did you have anything you wanted to add?

RAYMOND GREEN. My problem is that in many of these classes I have problems in grammar. I raise my hand to try to ask the teacher something, and she looks the other way or goes to somebody else's desk, and helps them with something.

Senator HARRIS. Do you go to school in McCloud too?

RAYMOND GREEN. I go to school at Harrah.

Senator HARRIS. Are there quite a few other Indian kids there in school?

RAYMOND GREEN. There's a pretty good number.

Senator HARRIS. What's your tribal background.

RAYMOND GREEN. Kickapoo.

Senator HARRIS. Are most of them at Harrah, Kickapoo?

RAYMOND GREEN. Yes.

Senator HARRIS. A lot of Kickapoo kids grow up speaking only Kickapoo at first, don't they?

JAMES WAHPEPAH. Some of the children in the Headstart program are trilingual. They come from the border area and are fluent in Spanish. But Kickapoo is the primary language with the Spanish second. In some cases they also manage to expose themselves to English. This does, I think, present a problem as far as the learning process is concerned. On one hand we feel that one needs to relate to his own racial identity to be a positive, outgoing type of individual. On the other hand we are trying to instill in this child the English language, the English ideas, the English values and what have you. But I still think that there needs to be a special emphasis in the public schools and the boarding schools dealing with Indian culture, presented in a positive manner where people will have a sense of pride in their Indianness. I think that's perhaps one of the reasons that we have such a high dropout rate. We have overlooked this vital area in education.

Senator HARRIS. The drop out rate is very high, isn't it? What percentage of the students at Harrah are Indian?

RAYMOND GREEN. Not too many.

Senator HARRIS. You say your particular problem is that you don't get sufficient counseling and help in regard to English grammar. Any other thing you want to say, Raymond?

RAYMOND GREEN. We still have a dress code. Your hair can't touch your collar. I don't like that too much. There are white boys that have really long hair, but the principal is always jumping after me to keep my hair cut.

Senator HARRIS. In my home town of Lawton, in 1972, at a time when you would think that teachers more than any others would want to encourage pride and heritage, we have little grade school children whose mother wants them to wear long hair as Indians used to do and braids their hair. They are out of school because the school

system will not let them attend their school with long braided hair. It's an absolute outrage that that should be so. That's aside from a dress code generally. They're wearing their hair long for a particular purpose, it's pride in background. And they're prevented from going to school for that reason.

Anything else Raymond or Annette or James?

ANNETTE HUNTER. We have the same problem.

Senator HARRIS. You talked about health and I want to get back to that for a minute. American Indians around the country and in our own state, when they go to the regular hospital or the city-county health clinic that's available supposedly to them as well as to all other citizens, they often shunt them back to the Indian hospital rather than accept them. Has that been your experience, James?

JAMES WAHPEPAH. Yes, that has been my experience in the past. I try to deal with the local resources. You get a book from OEO telling you to deal with local resources. But with Indian children and Indian families, going to a private hospital is sort of unheard of. We have to wait in line, we have to be declared eligible on kind of a pauper's oath arrangement. Again, it's very difficult for a person to get in on an emergency basis. Part of this is attributable to the fact that the local Indian hospital wants to utilize the medicaid money before they pay from their fund. The Indian has to suffer the indignity of being turned away from the hospital because the Indian Health Service would not pay that bill on time; they wanted to utilize the county resources or whatever resources were available before using the Indian Health money. This is part of the problem. We are stigmatized and classified as people that will not pay their bill. It comes down to actual hard cash money. I tried on many, many occasions to deal with the business managers of the hospital and I finally got the women to cooperate. But at the same time I have no resources other than the Indian Health contract medical care arrangement. I think that the legislation should deal with perhaps a more efficient contract arrangement whereby the Indians could get adequate and needed services.

Senator HARRIS. We've got about half the American Indians living off reservations and principally in urban areas. So when they go to the regular public health facility they are often told, why don't you go to the Indian hospital which might, as in our state, be a long, long way off. And once they get there, they are in an institution which is underfunded and understaffed and often there are long lines and other kinds of problems there as well.

JAMES WAHPEPAH. It's nothing for a person to have to wait four or five hours to see the doctor in a local Indian Health facility. This is more or less standard practice. Again, there is no other resource available for people in urban situations to go to a local facility. It's kind of a game that people play with one another. They refer you to the Indian clinic and then the Indian clinic will not in some cases deal with people from Oklahoma County or Tulsa County. They have a limitation on money, staff and medicine. I still say that there needs to be a special effort on the part of the people in the medical profession and people in the welfare area to recognize that Indian people are in a peculiar situation; that they are eligible for local resources and programs. But it seems that the attitude of those people that administer these programs is not really conducive to good harmonious relationships. That essentially, it seems to me, is the problem.

Senator HARRIS. Thank you James and Annette and Robert.

I want to next call on Larry Schwartz of Providence, Rhode Island, who is accompanied by General Jordan, age 18, and James Almeida, age 18, Larry Schwartz is a child care specialist at Providence Corporation, a community-based organization in Providence, Rhode Island. He is chairman of the Rhode Island Child Care Committee and is the Rhode Island representative to the Regional Child Care Committee. He's been instrumental in exposing and documenting abuses and neglect of children in the Rhode Island Children's Center.

STATEMENTS OF LARRY SCHWARTZ, GENERAL JORDAN AND JAMES ALMEIDA, PROVIDENCE, R.I.

Mr. SCHWARTZ. Thank you for the opportunity to be here. My agency first got involved in this because we recognized that there has always been a double standard in dealing with the problems of children. One standard for the middle class white child and another for the poor white and minority children. People said if we could only find a solution to solve the problem of these children, we would do it. We found this to be totally false because the solutions were simple. It was creating a climate in which we say that there are not second class children. They're not doomed to failure. We can help them. We've been unsuccessful so far in creating that climate in Rhode Island, as the rest of the country has. We first started out looking at day care centers. We saw that day care centers were merely warehouses for children to allow their mothers to work. Many three year old kids probably shouldn't be away from their parents 8 hours a day. There were other children, whose mothers were working, who did need to get away, but we couldn't get them in. This is all custodial care for the most part, without the needs of the children considered.

The mail area we looked at, though, was kids away from their own families, either because they got in trouble, they became delinquent, or because of a family breakdown, which happened in both the cases of James and General. We saw that while day care was inadequate, these other forms were criminal. Foster care is the most widely used form of housing, or warehousing, children. We found that it just didn't meet the needs of many kids, because many of these kids came from problem families and had special problems. They were sent into foster homes where people had no training. There are some excellent foster mothers and there are also some bad foster mothers. Nobody's ever taken the time to look into it. Kids went from foster home to foster home. One young girl we worked with was under the state's care since she was three years old and I don't think she's been in one foster home for more than 6 months. She must have been in 20 different foster homes. And yet we expect her to be a well-adjusted, well-rounded, dutiful American. I think James may know some kids in that particular situation. Why don't you tell them about it.

JAMES ALMEIDA. Well I know a few of them who have been up at the Children's Center for 6 or 7 months. They'd go to a foster home and they'd come back to the Children's Center and then they'd get too old and they'd go back to the Training School. From the Training School they had a program that would go to the Children's Center back there. They'd be transferred about 6 or 7 times. Some of the foster homes wouldn't really workout too good.

LARRY SCHWARTZ. We had many kids who never committed a crime before they came into the system—it was either a child abuse case, death, desertion, whatever the reason. Many of them are in the state's Training School which is a juvenile prison for misbehaving in these institutions, but yet they have never committed a crime on the outside. But they are still locked up.

The next problem we went into was the Children's Center which is kind of an orphanage and a junior reform school. There are kids there who have stolen cars; there are kids there who have had trouble at school; there are kids there who are orphans. In the Children's Center they have 220 kids which is overcrowded. They have 20–22 kids per unit. They have lock-up rooms in each unit. Most of these are kids who have never committed crimes, but they can be locked up for misbehaving in a room with a heavy mesh screen outside. Kids get beaten up by staff at the Children's Center. We have one case of a house father hitting a young girl over the head with an ironing board five times. He was suspended for three days. It doesn't matter because she was only a poor black kid, according to the state.

The state promulgates standards of education for its public schools—the Children's Center doesn't come under those standards. There are 80 kids out of the 220 kids in the Center who go to the home school. These are kids who can't make it in the public schools, who are dropouts from special ed. We asked the Commissioner of Education of Rhode Island to tour it, and he did, and he came back with a report that said: the staff is not adequately trained; not philosophically attuned to working with disturbed youngsters; the children are poorly grouped and have not been evaluated; the staff has neither the know-how nor the time to develop programs. And yet these conditions still persist. For these kids the laws don't count. Again, James went to school there so let him talk about that school.

JAMES ALMEIDA. I went up there in September. We'd go to school at 9:30 in the morning and we'd come back at 11:30 and cut the grass and then go get something to eat until 1 o'clock. You didn't do nothing in school. There were three rooms. We had arts and crafts. They didn't teach you no math or English or nothing like that. In the afternoon we'd go to the gym and they'd play records and you'd dance. That was all; that was the whole school system up there for the whole year—the school on the grounds of the Children's Center.

Senator HARRIS. What age were you then?

JAMES ALMEIDA. I was 14.

LARRY SCHWARTZ. The Children's Center school starts at kindergarten and goes to grade 8. It's really a bad joke. The thing that makes it even worse is that it is on same piece of state grounds as the State Teacher College which has about 5000 students there becoming teachers. They operate a laboratory school which has all the latest teaching equipment, all the best trained staff. They have all kinds of college professors working in the school. It's really a good school. One kid from the Children's Center goes to that school. It's 100 yards away. One kid out of several hundred. I guess they don't want to take these kids. One of the people at the Children's Center told me that when their kids go up to the public schools they go with a "CC" stamped on their forehead. One of them was suspended by a secretary in the school. That was unheard of, but it happened to a kid from the Children's Center who the secretary didn't like. She told him to go home and come back a couple of days later. We keep telling these kids in subtle ways, you're second class, you're second class, you're second class.

And they start acting that way. Kids can't walk in the cottages with their shoes on in the daytime because the floors have to be buffed, so when politicians take the tours the place will be tidy. They can't go into their rooms in the afternoon to read a book because they might mess it up. These are kids who in some cases haven't committed any crime, but this is how we say, this is your home and we love you to these kids. Unfortunately, almost every one of them goes to the state Training School. Some go directly, some get out and then get in trouble. General who was never in the Children's Center ended up in the Training

School. Maybe General could tell you about some of his experiences in the Training School. General Jordan. At the Training School I spent two and a half months in this place they call Annex B. In this place they have, it looks like cells, but they're supposed to be rooms. They have bars on the windows. They have about three or four locks on the door. You have a urine bowl in the room with you. Sometimes they will give you a bed. They send the food from the Training School up to this Annex B place, it comes in cans and it comes cold and greasy. They put stuff in the food sometimes and you really get sick on it. They won't let you see a nurse or a doctor. I was in there and Mr. Schwartz came up to see me because I had tonsilitis, my tonsils were bothering me. They wouldn't let me go to the nurse. They kept telling me, there ain't nothing the matter with you; you can't go see the nurse. I went from there over to the men's reformatory. In there they still wouldn't help me with my tonsils. They was really hurting me real bad. Mr. Schwartz brought up a doctor and he looked me over and looked at my throat. The windows were all broken out up there. We had to use about 5 or 6 blankets and sheets. It was really rough.

Senator HARRIS. What had you been charged with to be sent there?

General JORDAN. The first time it was just over a bicycle. I wanted this bicycle, you know. My grandmother couldn't afford it so I went out and got this bicycle.

LARRY SCHWARTZ. Would you tell them how many times you saw kids get beat up by staff up at the Training School.

General JORDAN. I say a lot of kids get beat up. A lot of kids. They'd take you in the office at Annex C and they'd close the door and two guys would go in and they'd beat up one kid. And when the rest of them would go in and try to help him, they'd lock him up upstairs, put him in a cell block for about 30 days with no blanket or none of that. They'd throw cold water at you. It would be late, about 3 o'clock in the morning, and they'd open up the windows and throw cold water on you. It's very rough.

Senator HARRIS. James, do you have anything to add to that?

JAMES ALMEIDA. Yes. When I was up at the Training School they had this place where you'd do from 5 to 15 days. I had 15 days. The first 5 days you're staying there you sleep on the floor. Then after 5 days they give you a mattress, but the mattress ain't good enough for no one to sleep on. After you stay there 5 more days they give you a blanket. And when it rains there would be big black water bugs that would come in there.

There were cockroaches and rats. They would give you a big blue coverall, the kind that mechanics use. They'd give you one of them that was 5 times your size. No books to read, nothing. No urine bowl. Nothing to wash up in. Nothing to comb your hair with. You stay in the room all day. They let you out one time. You open the door for feeding and they pass the food around. You get oatmeal in the morning, beef stew in the afternoon, and sandwiches at night. The same routine all 15 days. They do anything they want to with the food. If someone makes any noise or anything they'd call guards from the prison and they'd come over there and they would beat you up and take care of you and send you back in the room. If you kicked the door or anything, they would send you over to the prison—the reformatory.

LARRY SCHWARTZ. We adults do this in the name of rehabilitation. We've often said that, when people say what are your solutions to the Training School problems or the Children's Center problems, we say if you get ten doctors' and lawyers' kids sent there the problems would change themselves. You don't need us. Get a few local politicians' kids sent there.

I am happy to say that the unit they both described is only one of the many training schools now closed thanks to a federal judge. Not as a result of the state of Rhode Island. If private parents wanted to discipline their child in this way, say we're going to lock you in your room for 15 days, the state's Child Welfare Service would be in there in no time knocking the door down and having them charged as criminals.

Yet we as a state don't have to obey the laws that we make. Unfortunately, kids at the Training School, where they get no psychiatric help, where they get minimal education, no vocational education and most of them just stagnate either in sections of the men's prison which still are open or in the men's prison, end up going to the men's prison. You can tie this directly to poverty. I talked to Dr. Miller from Massachusetts. He said that 89 percent of the kids in their institutions which are being shut down, thank god, could qualify to be on welfare. 60 percent are on welfare but 89 percent could qualify. I personally think the present welfare system contributes more to crime than drugs do. We say to the kids every morning in the system, it doesn't matter what you do, you're going to lose. You're a loser, and you're going to lose. And they feel, since we're going to lose we might as well have a good time in that process.

JAMES ALMEIDA. That's what they told me up there. You ain't got no win, man. You got two strikes against you, you're poor and you're black.

Senator HARRIS. How old were you when you were in the training school?

JAMES ALMEIDA. I was 15.

Senator HARRIS. What about you, General?

General JORDAN. I went in when I was 16.

Senator HARRIS. Did they have a lawyer for you, did you go through a hearing?

JAMES ALMEIDA. Yeah, I went through a hearing. But it still didn't do no good if you had a lawyer. If the judge wanted to send you he could send you. He just tells you where you're going to go.

LARRY SCHWARTZ. We've had instances of 13 year olds being in adult prisons, in the maximum security unit of the prison. What becomes the most difficult of all to take is that there are solutions we have identified. Massachusetts is moving ahead; they are closing down a lot of these kinds of institutions. They're setting up halfway houses and group homes and things like that which are far cheaper. In Rhode Island we pay a welfare mother about $800 average to take care of her child, and a foster mother about $1200 to take care of her child. We give the Children's Center $6000 to take care of their child and the Training School spends $15,000 a year to take care of their child and they do nothing with it. And yet the Training School fails at $15,000, but we expect that mother to make it at $800. I'm amazed that some of these people do make it.

Why we don't have five times as many people in these institutions as we do now because of all these tremendous pressures? We could open up group homes for $4,000 to $5,000, but what neighborhood would you put them in. Whose neighborhood is that halfway house going into, is it going into the white neighborhood? In Rhode Island, in South Providence, there is one halfway house and it's for adults. The only place they could get into was the middle of the ghetto area. You can't get into the suburban communities. The politicians refuse to do it even though it's cheaper and more effective. The politicians won't do it because they won't stick their necks out for poor kids. Because, after all, they're only poor kids and they don't speak much.

Senator HARRIS. Well said. Senator Hart?

Senator HART. I hope many, many people hear what's going on today. I have the uneasy feeling that you're right—that the listening changes very few attitudes. Experiencing it through your own children has a dramatic effect on middle class parents. And I know of what I speak on that one.

Senator KENNEDY. I regret that I could not have been here for the whole hearing. I commend Senator Harris and those who've conducted it. I appreciate very much your comments. They are very, very useful.

Senator HARRIS. Mr. Schwartz, General and James, thank you very much.

Mr. Erasmo Andrade is here with Raymond Alcala and Leticia Guerrero. Mr. Andrade is presently health planner for Crystal City, Texas, a predominantly migrant and Chicano community noted for community control of the city council and school board. He has firsthand knowledge of the physical defects brought about by lack of medical, food and drug programs for Chicano children. He previously taught in the San Antonio public schools, has organized garbage workers in San Antonio, and has worked with the farm workers in Southern Texas. Mr. Andrade, we're glad you're here and will be pleased to hear from you.

STATEMENTS OF MR. ERASMO ANDRADE, DIRECTOR OF THE MENTAL HEALTH OUTREACH PROGRAM, AND RAYMOND ALCALA AND LETICIA GUERRERO, CRYSTAL CITY, TEX.

Mr. ANDRADE. Thank you, Senator Harris. I would like to congratulate all the senators who are interested in trying to find some solution to the problems of the non-voters. In these last couple of weeks, especially in South Texas where I'm from, we've seen the change that was brought about by the 18 year old vote. If we go down to the 15 year old vote or the 13 year old vote, a lot of politicians are going to be in a hell of trouble.

I would like to talk about Zavala County, the county we live in. The reason I brought some expert witnesses with me is because they are migrant children and they have been on the migrant trail for some time. I left the migrant stream because of the undeclared war in Korea. That was my chance to change my cotton picking sack for a navy blue suit. If it hadn't been for that police action over there perhaps I would still be in the migrant trail. The other reason I am bringing out Zavala County and Crystal City which is the county seat, is because there are many Crystal City's throughout the southern part of the United States. Whether they are black, or brown or white, this is the home base for many migrant families.

Zavala County is an area frequently referred to as "Mexican Appalachia." Zavala County has a population of 11,400. Its county seat, Crystal City, has approximately 8,500 inhabitants. The population varies from season to season due to the migration of large numbers of Chicanos going north to harvest crops during the spring and summer months. According to 1970 United States Census data, 74% of the population (all Chicano) annually leave Zavala County to join the migrant stream in April, staying away nearly six months until early October when Zavala's winter vegetable growing and processing season begins.

The main industry of this area is spinach farming. There is one canning factory and a few locally owned businesses. The Chicanos have been hit hard by automation, and more and more are migrating to non-automated areas or falling out of the migrant stream and remaining behind in Crystal City permanently.

Forty-four (44%) percent of the families have been reported as earning less than $3,000.00 per year, but the true figure is unquestionably closer to 75% of Zavala's families, after adjustment is made for those not in residence or not tabulated during the recent Census, and for those who have not used the services of local agencies. The average annual income of Crystal City is $1,500.00. The city, as well as the county, is considered

as a chronic unemployment and underemployment area with no opportunity for upward or lateral mobility. In fact, we have an unemployment rate of 14.8 percent.

Zavala County's infant mortality rate remains almost twice that for the State of Texas in recent years. Due to the lack of precise recordings on causes of death, it is difficult to pinpoint the exact cause of this statistical horror, yet malnutrition is definitely a major factor. The combined average age of death for both sexes in 1970 is 54.7 years—a fairly staggering figure when contrasted with the average U.S. life expectancy of 70.5 years in 1967. The County has the highest rate for tuberculosis in Texas (30 times the average) and one of the highest in the nation as well. Yet in Crystal City we have only two medical doctors to take care of the entire county population.

We have also contributed 11 of our Chicano brothers who are dead in Vietnam and we have a few more missing in action. Eleven out of a population of 10,000. So we've given our share.

Migrant children are able to profit the least from the traditionally inadequate school system which the community has maintained, due to the fact that they have to leave early and don't return until October or November. The Crystal City Independent School District suffers from one of the highest drop-out rates in the nation—80%, and tragically most of these drop-outs are migrants. The average educational level of adults is 1.7 years in Zavala County. Approximately 25% of the adults are classified as functional illiterates, a very conservative estimate. These grim statistics refer to the majority of Zavala County citizens, nearly all of whom are Chicanos and migrant farmworkers.

According to a report from the Migrant Project Group in H.E.W. ("Health Fact Sheet: Migratory Agricultural Workers" April, 1971), the typical migrant child has a life expectancy twenty years shorter than the "average" U.S. citizen, this, of course, assuming that the child survives infancy and an infant mortality rate 2 and ½ times higher than the national average. A nutritional study of Southwestern migrant workers disclosed serious dietary deficiencies: 10% who had never had milk, 19% never had citrus fruit, 35% never had green or yellow vegetables, and 14% who had never had meat products. Other findings reflecting the migrants' tragic lack of health care include a tuberculosis rate seventeen times greater than the national average, a venereal disease occurrence eighteen times higher, and an incidence of worms thirty-five times higher than the national average. The occurrence of infectious, respiratory and digestive maladies is two to five times higher than the average citizen of this country. Furthermore, the migrant suffers an accident rate on the job three times that of the national average, as well as an occupational disease rate three times greater than the average for all industries. Incidents such as epidemics of poliomyelitis and diphtheria in South Texas among migrants in the 1970's are unfortunately all too common. Somehow, whether deliberate racial and social prejudice or perhaps due to the simple indifference of the more affluent majority who enjoy the fruit of the migrant's labor, the migrant farmworkers has been very effectively excluded from this nation's health care system and educational process which would permit him to escape his miserable conditions.

Public aid programs, which have been created by the U.S. Congress and various state legislatures to aid the needy, are generally unavailable to the migrant family. The usual reasons include geographic residency requirements, requirements for a linkage to a public assistance category, and the general targeting of federal programs toward the *non*-working poor.

For example, very few migrant families are able to qualify for AFDC (Aid to Families with Dependent Children) assistance. When they travel north, they are effectively excluded by the "intent to reside" concept that limits so many states' programs. In Texas and Florida, two of the major home bases, migrants are excluded by the restriction on giving aid to any family which has an able-bodied male head in residence. That is an integral part of the family, to have a man in the house who can drive the trucks 1400 to 1500 miles during the stay in the migrant stream. For this the families are punished.

Similarly, many migrants will toil their entire lives only to discover that they are not eligible for Social Security retirement benefits like other American workers due to the special status given agricultural workers by the Social Security Act. Employers have numerous loop-holes, such as the fact that an employee must earn $150 or have worked at least twenty days before any in-payment need be made, that permit them to avoid making any contributions for migrants. Unethical crew leaders often exploit the migrants' dependency by over-deducting or not even reporting their wages. Perhaps most tragically of all, the migrants' lack of eligibility for retirement benefits results in excluding them from any participation in Medicaid and Medicare services.

Other federal programs set up to assist the needy include the Food Stamps Program and the Surplus Commodities Program. Aside from the fact that many counties (such as Zavala in Texas) refuse to participate in the Food Stamps Program and that the materials provided under the Surplus Commodities Program are definitely not oriented toward maintaining a good diet, migrant farmworkers are seldom capable of effectively utilizing these two public assistance programs. The administrative offices are all too often set up in inaccessible and poorly publicized locations, and hours of service are frequently limited to 9:00–12:00, 1:00–5:00, *one day a month*. In addition to transportation and related problems, the migrant must sacrifice a full day's work in order to stand in line in hopes of receiving some assistance toward feeding his family. Even then, certification of eligibility is a drawn-out and humiliating experience, in which many local officials are out-right hostile and even insulting to the applicants.

Finally, one is confronted with the all too well documented shortage of private health care services in rural farmwork areas. When this scarcity is compounded by sociocultural barriers, especially the lack of bilingual health care personnel who are sensitive to the plight of low-income Chicanos, and by financial barriers, in which few institutions are willing to serve families which are ineligible for Medicaid/Medicare, it becomes clear that the migrant farmworker has to "make do" with whatever home remedies his culture and tradition can provide him.

This callous disregard of the needs of the migrant is perhaps best typified by a recent experience of ours in Zavala County. With the assistance of sympathetic consultants from the Regional H.E.W. office in Dallas, my office made application to the U.S. National Health Service Corps, requesting the services of a physician for two years in Zavala County, and a dentist. The details and arrangements of our plans were carefully coordinated with the two local doctors in Crystal City, as we were committed to cooperating fully with them. They completely endorsed the idea, and the National Health Service Corps physician was to work out of their hospital although he would have been more oriented toward poverty cases and patients in an evening clinic. The application asked for immediate consideration and approval.

However, there is a federal requirement that any such application be approved by the local medical society before it can pass; in South Texas, due to the scarcity of physicians, we have multi-county societies. And, as you might be able to predict, the "local" nine-county Medical Society refused to endorse our application, thus denying our people of the desperately needed services of another physician. They stated that there was no serious shortage of medical personnel in Zavala County in their opinion, and the same thing with the Dental Association.

Thus, those who furnish our tables with the beautiful fruits and vegetables of our countryside are never allowed to taste such luxuries. They suffer in the hot sun, often without water or toilets, in the dangerous atmosphere of chemical pesticides so that we may feast.

A vast number of federal programs in public assistance and health care, many of them specifically oriented to help children, have been developed by the United States Congress for American citizens. Yet migrant farmworkers continue to be systematically excluded from their benefits. Because of their pride and self-respect they try to be "good American citizens", working long, exhausting hours and even paying taxes on their meager earnings without complaint. Yet they are denied such basic national rights as participation in Social Security benefits and Medicare services. They are further discriminated against by the denial of their right to organize for better wages and working conditions.

In conclusion, if I may leave but one idea with you the members of the U.S. Senate, perhaps my only contribution to these hearings today, I would like to see a law passed which would require that for every tax dollar put into farm subsidies, a matching dollar would go to help alleviate the problems of the farm worker in health, social services, education and rehabilitation. Thus, we may be able at last to stamp out hunger and poverty of migrant children after more than three decades of paying no more than lip service to their needs.

Thank you very much.

Senator HARRIS. Very good.

Mr. ANDRADE. Last year over $12 million of farm subsidies went to seven families in Zavala County for not farming. So who's lazy—the farmworker or the land owner? And if we were to share this money between the plantation owner and the farmworker at least you could keep both constituencies happy. One would give you the money to run for office and the other would give you the votes to get into office.

Senator HARRIS. Very good. Leticia, you're in what grade?

LETICIA GUERRERO. Fifth.

Senator HARRIS. And you're eleven?

LETICIA GUERRERO. Yes.

Senator HARRIS. How many brothers and sisters in your family?

LETICIA GUERRERO. I am the only girl and there are three boys.

Senator HARRIS. Are they older or younger?

LETICIA GUERRERO. Younger.

Senator HARRIS. Do your parents follow the migrant stream?

LETICIA GUERRERO. Yes.

Senator HARRIS. Where do you go from Crystal City; where do you travel to?

LETICIA GUERRERO. From Minnesota to Wisconsin and from Wisconsin to Indiana, and sometimes from Indiana we go to Kansas or Colorado.

Senator HARRIS. When do you leave Crystal City?

LETICIA GUERRERO. Around May 18.

Senator HARRIS. And generally when do you get back to Crystal City?

LETICIA GUERRERO. Usually we get back around October or September.

Senator HARRIS. Has school already started by the time you get back?

LETICIA GUERRERO. Yes.

Senator HARRIS. Do you yourself help the family in the harvesting? What does the family work in, spinach?

LETICIA GUERRERO. The family doesn't work in the spinach, only my father does. Also beets, and tomatoes and pickles.

Senator HARRIS. Are you and your mother involved in any of the harvesting work?

LETICIA GUERRERO. Yes.

Senator HARRIS. What do you do?

LETICIA GUERRERO. Well I sometimes work on the beets and pick tomatoes and pickles.

Mr. ANDRADE. Leticia, do you consider yourself a taxpayer?

LETICIA GUERRERO. Yes.

Mr. ANDRADE. So when you work in the fields you are paying taxes?

LETICIA GUERRERO. Yes.

Mr. ANDRADE. Yet you don't get the benefits that we were talking about all day long—the federal programs, the clinics, the hospitals, the good teachers, the good schools. Do you ever get that?

LETICIA GUERRERO. No.

Senator HARRIS. What kind of places do you live in?

LETICIA GUERRERO. Small houses.

Senator HARRIS. Do they have running water in the house?

LETICIA GUERRERO. No. They have a faucet outside.

Mr. ANDRADE. Leticia, when you are working do you have breaks? Like at 10 o'clock do you say, I'm going to take a 15 minute break? Or at noon do you have an hour for lunch? Or do you have another break in the afternoon?

LETICIA GUERRERO. We don't work by hours. We work from morning to afternoon but we can rest whenever we think that we are very tired. We're paid by the baskets we make.

Senator HARRIS. Tell us about the kind of work that you do. What is it like? I've never worked in that kind of work. Beets grow underground, does someone plow them up first?

LETICIA GUERRERO. Yes. And we get a hoe and we take out the grass and leave the beet with nothing around it.

Senator HARRIS. Oh, I see. You're actually cultivating it, you're weeding it. That's awfully hard work. I've done that with cotton. Do you work in other kinds of work other than weeding beets?

LETICIA GUERRERO. I work on the tomatoes and the pickles.

Senator HARRIS. What kind of work do you do with them? All I know about is raising them in the garden.

LETICIA GUERRERO. All you do is get a basket and you fill it up and you put it on the side. Then a truck will come and pick it up.

Senator HARRIS. And the cucumbers are flat on the ground. You must have to do a lot of stooping and bending down.

LETICIA GUERRERO. Yes.

Senator HARRIS. How many baskets of tomatoes do you pick by yourself in one day?

LETICIA GUERRERO. When I want to I make about 50 baskets a day.

Senator HARRIS. Do you know how much you're paid by the basket?

LETICIA GUERRERO. Well I think around 13 or 15 cents.

Senator HARRIS. What about cucumbers or pickles, how much of those can you pick a day?

LETICIA GUERRERO. I'd say about 15. But my parents pick more than I do.

Senator HARRIS. How are you paid on hoeing beets?

LETICIA. GUERRERO. Well we go by the acre, how many acres you do.

Senator HARRIS. You couldn't hoe a whole acre in a day could you?

LETICIA GUERRERO. No. They go by rows.

Senator HARRIS. How old are your brothers?

LETICIA GUERRERO. Next to me is my 10 year old brother, and the other one is eight and the other one is six.

Senator HARRIS. Do any of them work in the fields the way you do?

LETICIA GUERRERO. My 10 year old brother does. My little brothers like to help but we don't let them.

Mr. ANDRADE. Do you ever go to bed hungry?

LETICIA GUERRERO. No.

Mr. ANDRADE. Why don't you go to bed hungry?

LETICIA GUERRERO. Because my mother cares very much for us. She goes to the store every night and she goes and buys us food.

Mr. ANDRADE. You don't waste any food? You save leftovers and cooking?

LETICIA GUERRERO. I guess my mother does.

Senator HARRIS. Raymond, you're also in 5th grade aren't you? And you're 11.

RAYMOND ALCALA. Yes.

Senator HARRIS. How many people in your family?

RAYMOND ALCALA. Eleven.

Senator HARRIS. Your brothers and sisters, are they older or younger than you?

RAYMOND ALCALA. Some are older and some are younger.

Senator HARRIS. How old is the youngest one?

RAYMOND ALCALA. She's a year old.

Senaor HARRIS. Does your family follow the harvest too?

RAYMOND ALCALA. Yes. We go to Minnesota and to North Dakota.

Senator HARRIS. What do you harvest in Minnesota and North Dakota?

RAYMOND ALCALA. In Minnesota we harvest the beets and in North Dakota my mother and father work in the potatoes.

Senator HARRIS. What do they do with the potatoes?

RAYMOND ALCALA. A machine goes past them and picks them up and you just take out the dirt.

Senator HARRIS. Do your parents ride on the machine?

RAYMOND ALCALA. Yes, sir.

Senator HARRIS. Do you yourself help with hoeing the beets or working with the potatoes?

RAYMOND ALCALA. I hoe the beets.

Senator HARRIS. What about your brother and sisters, do they work also?

RAYMOND ALCALA. My two brothers and one sister work in the potatoes and the beets.

Senator HARRIS. What are the houses like that you live in in Minnesota and North Dakota?

RAYMOND ALCALA. In Minnesota we live in a two story house. But we have to go get water half a mile. We get three gallons and then we have to go and get some more water.

Senator HARRIS. What about doctors? Has anybody been sick in your family lately? If so, where did you go for a doctor?

RAYMOND ALCALA. We have to go out of town when somebody gets sick.

Mr. ANDRADE. In some of these states, when the migrant children arrive, immediately the school district insists that they enroll in school. Of course, this is another way of exploiting the children. Because while the children are enrolled in the school the school district gets state and federal moneys. They use these figures to request additional money. The children will not be there long enough to benefit from this extra money that is derived from their attendence. Even though it's vacation time in Texas—in fact not too long ago, you'll probably remember one of the states, Indiana I think, had a suit filed against the parents because they were ready to withdraw their children from the schools, and the local administration refused to allow them because they would lose money. So that is another way of exploiting the children.

Senator HARRIS. Raymond, do you leave Crystal City about the same time Leticia does?

RAYMOND ALCALA. Yes.

Senator HARRIS. Do you miss a little bit of school at the first of the year?

RAYMOND ALCALA. Yes.

Senator HARRIS. Have your folks ever found jobs around Crystal City?

RAYMOND ALCALA. My father can't work because he was operated on.

Senator HARRIS. Oh, I see. What about you, Leticia, can your parents find work around Crystal City? Are there any jobs?

LETICIA GUERRERO. There are usually no jobs but they told my father they were expecting work but they don't give it to him. He may go any time but by the time he goes there won't be any left.

Senator HARRIS. I believe you told me that they speak Spanish in your school. Do you have lessons in Spanish and books in Spanish?

LETICIA GUERRERO. In our room we are studying a little bit, but I don't know if this week that's coming we're going to study some more.

Mr. ANDRADE. How big is the library in your school?

LETICIA GUERRERO. I can't say it's very big because only four or five people can go into it. It's more like a little office than like a library.

Senator HART. Mr. Andrade, I take it that when you were the age of our two other witnesses you were in the same style of life. You said you were able to break out of the migrant stream because of service in the military during the Korean War. Did you obtain additional education in the service and subsequent to service?

Mr. ANDRADE. This is another way of stereotyping the Chicanos. When I was in junior high school the counselor decided I was clever with my hands. I could make chairs and stuff like that. So they classified me as a typical industrial student. So when I went from junior high school into high school I was forced into a vocational training school. Because I had attended a technical school, the Navy decided I would be a good machinist. Even though the examination and the aptitude test and all that indicated different. During my stay in the Navy I was a machinist's mate, taking apart generators, diesel engines and putting them back together. I was attached to the underwater demolition team in Little Creek, Virginia. Then because of the GI Bill I attended the University. I was exposed to different ways of life, as you gather, when you are in the military. I was able to travel. Since I got out of high school I have traveled and lived in 38 foreign countries, as a civilian advisor or as a military representative. So because of the GI Bill I broke away completely from the migrant stream and went into education and international relations.

Senator HART. In addition to the other things that these hearings should remind us of, is that we are underfunding dreadfully the GI Bill program now. You're a dramatic example of the contribution the whole society can get if we make better sense on the GI Bill.

Mr. ANDRADE. If we make our colleges more sensitive to the needs of minorities, yes. Up until a couple of years ago we didn't have a four-year college in Southern Texas. All our four-year colleges were up in hill country. We didn't have a four-year college in Southern Texas until about three years ago.

Senator HARRIS. My folks and I followed the cotton out to West Texas when I was a kid. We started in the cotton fields when I was five and then we followed the wheat harvest for about nine years all the way to North Dakota. But I don't think I did as hard work as these kids do. That sounds like a lot harder work.

Mr. ANDRADE. It's hard work. There's no guaranteed wages, no guaranteed harvest, especially now since more people have been displaced by automation. That is the only life they've ever led. So you stay home and you starve or go out and chance it by hitting the trail.

Senator HARRIS. Leticia and Raymond, I'm sure your parents would be awful proud of you that you're helping out in the family and your willingness to come here and tell us about things so that maybe other kids lives can be better. Mr. Andrade, thank you very much also.

Our last witnesses for the day are Mr. Richard Mays of Little Rock, Arkansas, Barbara Hampton and Phyllis and Cheryl Hampton. Barbara Hampton is herself a welfare recipient. Her two children, Phyllis and Cheryl, are in the fourth and eighth grades. Richard Mays is a civil rights specialist in the Little Rock law firm of Walker, Kaplan and Mays, the only integrated and the only civil rights law firm in Arkansas. He has been working in Arkansas since September 1970, involving himself in litigation which is concerned with police brutality in the black community and the rights of children. Prior to that time, he was an attorney in the Criminal Division of the U.S. Department of Justice.

STATEMENTS OF MR. RICHARD MAYS, MRS. BARBARA HAMPTON, AND PHILLIS AND CHERYL HAMPTON, LITTLE ROCK, ARK.

Mr. MAYS. Thank you, Senator. First we would like to thank you Senators for giving us the opportunity to relate briefly in this area. When I was first told about these hearings in regard to children's rights, my first response was, what rights? I'd been through law school and I did not deal with the subject of children's rights. And after I gave it some thought I concluded that the only right that they have is the right to share the burden or the benefit of the lives of their parents. I have been active in the area of education and I probably am more interested in this area, though I have dealt with the area of criminal law. In regard to relating this to the H.R. 1 bill, I thought that it might be very good to deal with it from a humanistic point of view, and let's try to isolate and identify some of the children's rights, if there are any.

I think the most fundamental right is the right to an education. As a lawyer I have concluded that a child does not have a right to an education, at least through grades one through twelve. It's a privilege and it's a privilege which can be revoked if the child's hair is too long, if the child violates a dress code, if the child shows some discourtesy to a teacher. In the integration process where we have had separate schools and the races have been separated, oftentimes a white teacher misconstrues black pride as arrogance. And sometimes expels or suspends the student. The most dangerous threat, I think, to the child's right to an education is the cruel weapon in the arsenal of the school administrators called the right of expulsion or suspension. Members of my firm have personally represented 120 black students who were recently expelled in Mariana. I represented 20 black students who were recently expelled to Arkadelphia. I'm not going to necessarily going to deal with why they were expelled, but these were all black students. This was a confrontation to some extent between the white and black students resulting from a failure on the part of the school administrators to prepare for integration. The point I am trying to make is that you cannot afford to expel students when the only opportunity the poor students have to extricate themselves from some of the negative effects of poverty is through education. Certainly through explusion and interrupting the school education process you only delay treating a problem, and the problem will reappear at some later date in terms of a greater societal problem.

I decided that the problem that we're dealing with to some extent in H.R. 1 is the problem of dehumanizing people versus trying to protect against certain abuses. I think the Nixon Administration through H.R. 1 and prior governmental action in this area has shown a preference to try to protect against certain kinds of abuses and has decided that it is better to dehumanize people. I think Mrs. Hampton, who is an example of a person who has withstood the dehumanizing process that I think the present welfare system forces upon its recipients, has through the medium of the Welfare Rights Organization tried to counteract this dehumanizing process, and permitted her spirit, her fight to take the forefront and try to challenge many of her neighbors to take the fight to the government. But she herself will indicate that it is a pretty difficult problem. When people have lost hope they are sometimes characterized as apathetic. I think the problem here is that the spirit has been so deteriorated as to give these people very little hope of actually changing the system. We are not only creating a person who has lost hope, we're dealing with an apathetic voter. I'd like Mrs. Hampton to come in and deal with the dehumanizing process from the standpoint of isolation in the community in which she lives, and the other aspects connected with her life.

Senator HARRIS. Mrs. Hampton, you live in Little Rock, do you?

Mrs. HAMPTON. Yes.

Senator HARRIS. Would you tell us about what Mr. Mays was saying?

Mrs. HAMPTON. I became involved in the welfare rights fight about three years ago. It's very hard to get poor people involved and especially black people in the community where I live and all over the state of Arkansas. Most people feel, why go and try to change it or speak up and speak out? The general reason is, well I'll probably get my welfare check cut off. They have not had freedom of expression for so long that they feel at this late date that nothing can be done about the way things are now. I try to instill in my people that just because they are welfare recipients means that they are no less than anybody else. I always tell my children and people in my community that, you are just as good as anybody else. Nobody is any better than you are and you're no better than anybody else.

Most of the time when we have our meetings in my community we deal with the problems of food stamps and the lack of food and the lack of medical attention. We have medicaid but there have been abuses in the state of Arkansas in medicaid.

You take, for example, elderly people. They go to these doctors and they have medicaid cards, but most of them don't even understand what medicaid is all about. The doctor will charge them, charge the welfare department on the medicaid card, and then they will also charge the patient. They are not aware that they don't even have to pay for these services, especially twelve outpatient visits and twenty days in any hospital of their choice. Most of them are not aware that they can go to any hospital of their choice. The University Medical Center is the number one hospital as far as poor people are concerned. I used to live out in the rural part of the country. To go to the University was a big thing with me because down in the rural area you didn't generally get any kind of medical attention. You used old folks remedies.

Some of the people, even though they have moved to the city area, they still have these hangups. Some of them are afraid to go to doctors because of the treatment they receive as poor people and as welfare recipients. They are afraid to go and apply for welfare aid and food stamps simple because case workers treat them in such a dogmatic way that when they are turned down they don't even want to go and reapply.

This is where Welfare Rights has stepped in in Pulaski County and in several other counties in the state of Arkansas. We generally go down with them to see to it that they receive all of the benefits that they are entitled to. Although we're organized, we're not treated so courteously. I get calls all the time, saying, for example, "Mrs. Hampton, are you the lady that's causing all the hell with the Welfare Department about the welfare recipients?" "Yes I am, if you want to call it that." Well," they'd say, "the KKK wants you real bad." Everybody in the South knows what KKK stands for, that's the Klu Klux Klan. But generally I give them a nice, sweet, nasty answer and let them know that they can go to you-know-where and that I wasn't scared.

I have with me my children, Cheryl Hampton, who is an eighth grader at Horace Mann, and Phyllis Hampton, who is a fourth grader at Granite Mountain. Now Granite Mountain is not an integrated school and it's only about three or four blocks from where we live. Horace Mann is about two miles. We have busing in Little Rock now. So she comes in contact with children who live, for example, out in Pleasant Valley. This constitutes the power structure people in Little Rock, and maybe she can deal with that and give you some answers about how life is and school with whites.

Senator HARRIS. I was wondering about what your mother said about how it is at school now that you're in an integrated school.

CHERYL HAMPTON. The first year when the white kids were bused over there, there were a lot of fights and everything. But now things are cooled down. Some black kids on welfare around rich white kids seem to get an inferiority complex. This makes them jealous and this is one reason that causes the fights. About the free lunch thing, we get this card. As you move through the line, nine times out of ten if you saw a person with a card you could tell they were getting a free lunch. I guess it just doesn't seem to bother me anymore.

Senator HARRIS. Do you feel that there is a tendency, Mrs. Hampton, on the part of poor people to feel that it's not a matter of right, but that somebody's doing something good to them—that if they're not careful they might lose it—that they don't realize that what they're getting is their right.

Mrs. HAMPTON. Yes. That's also the attitude on the part of as many middle class blacks as it is middle class whites. On Monday night, I was on Rap Session on KALO, a black radio station. A couple of black ladies called in, and one of them thought I shouldn't be yelling and screaming about a $6500 guaranteed adequate income. That I should be grateful that I'm getting this $1000 or $2000 that we get in Arkansas. I let her know that welfare was not a privilege, it was a right, that you were entitled to it if you were eligible for it. This is the thing that happens down at the welfare office. They treat the recipients like this money is coming directly out of their pocketbooks. They say, "I'm sick and tired of you coming down here; you look able-bodied; well where did you get those slacks that you have on, where did you get that new blouse?" Well who knows, my well-off relatives in Seattle might have thought enough of me to send me a pants suit or send my daughter a dress. I always instill in the minds of my people, just because you're on welfare, you don't have to go out looking like it. I worked at a factory. And when I worked at this factory I bought many blouses because I got them at a discount, I bought many dresses. Just because I fell into this bad way that I had to accept welfare, I didn't throw my blouses and dresses away, I still have them.

I'd also like to say that we're going to challenge the WIN program in Arkansas because there's no incentive in the WIN program. They're implementing some of the same repressive features that are included in H.R. 1 already in Arkansas undercover. They encourage mothers to volunteer for this program. We're not against training. Anybody's for anything that's going to better their condition. But on the other hand, why call in 50 people and train them for jobs that you know are not available once they complete the training? Why call in a mother who has not completed high school and give her a GED;

and then when she finishes that training you go over there and she's making beds. It doesn't take a GED to make beds. I've been making beds since I was seven or eight years old.

The Employment Security Division administers the WIN program. They say the Welfare Department is the referral agency. They give them $15, for example, every two weeks for transportation. And they give them maybe $56 for child care, and you have to accept any kind of person they bring to you. There was this Puerto Rican girl who was very upset when she came in because the white lady she had to leave her child with had a spit cup. Her baby was just a toddler who could have turned it over and gotten in it and that's filthy. Just because she's a welfare recipient she has to accept this. You get $15 for transportation every two weeks, and $56 for child care. And then over here they go up on your food stamps. That's money already earmarked for babysitting and transportation, it's not money that's going directly into the home. So why do they go up on food stamps? How do you think I would be encouraged to go into WIN when actually it costs me? It's not a free program. $10 might not seem like a lot of money, but anytime it has to come out of my inadequate grant it's a lot of money to me.

Senator HARRIS. How many in your family, Mrs. Hampton?

Mrs. HAMPTON. I have five children.

Senator HARRIS. What does the welfare system provide in Arkansas for that size family?

Mrs. HAMPTON. Well, I'm one of those fortunate ladies that get a small amount of child support, like $20 a week. And I get $123 a month from welfare. If I didn't get any child support I wouldn't get very much more than that for five children, like about $131. The maximum grant in Arkansas is $146 a month providing you have seven children. If you have over seven children you don't get a dime more.

Senator HARRIS. Phyllis, we're glad you're here. Do. you have anything you want to say?

PHYLLIS HAMPTON. Somebody at school was talking about welfare checks and I told her that when a welfare mother gets a check and she's goes to cash the check, it don't say "welfare" on the dollar, it's just an old, plain dollar.

Senator HARRIS. That's good for you to speak up that way. Senator Hart?

Senator HART. I'm grateful you came. Could I ask a question that really isn't relevant to this thing, of the young lady who is in the integrated school? For a period of your education you were in a segrated school?

CHERYL HAMPTON. Yes.

Senator HART. No matter how I phrase this it will not be easy to answer. Is it your feeling that you are now getting a better or a poorer education, are you more or less satisfied in the integrated school?

CHERYL HAMPTON. I think that since the school is integrated we have about the same education but we have more activities. Integration doesn't bother me, it doesn't make any difference. I get along with all the people.

Mr. MAYS. Senator, I would again reemphasize, especially since we're dealing with Cheryl, my first point about the use of expulsion and suspension as a tool to emasculate the young minority child. Cheryl was involved in a fight. She indicates that she was attacked. Regardless, both students were suspended. She was suspended for three days. When they are suspended they can lose credits. This can cause some difficulty academically and they can be expelled for a year. The policy is simply to expel students involved in a fight. My point is, if we're going to deal with students who have enough problems anyway, if we're going to deal in this area, that as a matter of law we ought to try to think up an alternaive for the school's administrators, and almost outlaw expulsion or suspension in cases of this nature, especially when we're going through the trauma of integration. We have insensitive administrators and it's very difficult to get to the problem. In Little Rock they did have some sort of program. When you were expelled where did you go?

CHERYL HAMPTON. Gateway.

Mr. MAYS. Would you tell the Senator what Gateway is?

CHERYL HAMPTON. When you're expelled from school you go to Gateway, either from 8:45 to 1:00 or from 1:00 to 3:30. You go there and you take all your books and you just do the regular class work. But if you don't know what they're doing in school you just do whatever you think they're doing. You take it back when you go back. If the teacher is nice enough she will give you credit for it. But she's not obligated to help you make up anything while you were out.

Mr. MAYS. We don't have a Gateway in Arkadelphia and Mariana, maybe not in D.C., I don't know. But Gateway represents somewhat a compromise, probably inadequate. But at least we need to focus on this problem. I suggest to the senators that in the next four years that if these problems continue to reoccur that there will be a problem which may require some national legislation.

Senator HARRIS. Senator Tunney?

Senator TUNNEY. I would like to join with Senator Harris and Senator Hart in welcoming all of you to these hearings. I have just perhaps one question which I would like to ask Cheryl. That is, do you feel that when you are in school as a young girl whose family does not have a great deal of money and who is receiving governmental help, do you have the feeling that you are made to feel like a second class citizen?

CHERYL HAMPTON. No. I don't like being on welfare, but if I have to be I'm not going to be ashamed of it.

Senator TUNNEY. Good for you.

Senator HARRIS. Are there any more questions? If not, I would like to insert at this point in the record a letter which I have received from two of my constituents in Oklahoma about the fine work being done at the Youth Counseling and Child Development Center in Oklahoma City.

YOUTH COUNSELING &
CHILD DEVELOPMENT CENTER,
Oklahoma City, Okla., April 3, 1972.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The photograph and caption appearing in the Oklahoma Journal on March 22, of you and the children involved in the Children's March on Washington, brought to our immediate attention and interest the hearing to be held on April 4.

Our clinic is both a teaching clinic and a service clinic affiliated with the University of Oklahoma and operating out of a building on Lincoln Boulevard. As a teaching clinic we are primarily responsible for the educational training of our students (residents in psychiatry, psychology interns, medical students, social work students, etc.), but University funding does not allow for the operation of our clinic as a service to the community, therefore, the fees we charge on a sliding scale along with the support of the Oklahoma Mental Health Council and any grants or federal monies we are eligible for, are a part of the monies we return to the University for the community service our staff has become committed to. Many of our staff members have been extremely active—training volunteers for outside efforts such as Paseo Center (a rehabilitation center for young drug abusers). Dr. Povl Toussieng, our clinical director who is in Washington at the present time, was president of Paseo Center durg 1971, and was instrumental in its birth. (Dr. Toussieng will be returning from his sabbatical on July 1, 1972.)

Dr. Schechter, Director of child psychiatry training at our clinic, and staff personnel have initiated contracts within the community which involve consultations with the Oklahoma City Public School System. We receive approximately one-third of our referrals from school counselors all over the city and state. We also have a contract with the Riverside Indian School in Anadarko and a psychologist and psychiatric social worker on our staff each spend one day a week at the school as consultants. This is just a very small sample of our work with children within the community and state.

Another one-third of our referrals are Welfare recipients and are referred directly from the Department of Public Welfare. As yet we have been unable to receive any payment from DPW for outpatient mental health services to children. As we are expected to financially support our service efforts, this has restricted the numbers of indigent children who are able to receive much needed help in the State of Oklahoma.

Our Diagnostic Nursery, which has been Dr. Schechter's brain child, is cosponsored by the Community Action Program, and two of our staff members are the only salaried personnel. This small nursery (which sees preschool age children from the Head Start program) dependent upon volunteer personnel is being considered by the federal government for a grant which would allow it to serve as a model for nine other such nurseries in the United States. It is currently housed in a small church on 14th and Kelham.

We are dedicated to the training of those who will one day help us in the effective implementation of health care delivery services to children. This is an area which has been sadly neglected in Oklahoma and in which the overwhelming needs, whenever voiced, many times fall upon deaf ears.

If our clinic may be of any assistance now or in the future in any way, we would be most willing and eager to help support your efforts on behalf of children. This clinic was founded on and is dedicated to Dr. Schechter's philosophy that "children are our most important natural resource".

Most Sincerely,

Mrs. TERRY CALDWELL,
Secretary to Dr. Toussieng.
Mrs. DONNA LEWIS,
Secretary to Dr. Schechter.

P.S.—Enclosed is an article published following Dr. Schechter's recent talk at the Central Area Oklahoma Health and Welfare Association Meeting.

Also of interest in regard to our community involvement, is the fact that Dr. Schechter and Fran Morris, Community Coordinator of Youth Counseling and Child Development Center, have recently been appointed by Judge Luther Bohanon to serve on the Bi-racial Committee, a committee designed to help with difficulties around the implementation of public school integration.

[From the Oklahoma City Times, Mar. 17, 1972]

LACK OF CHILD AID CRITICIZED

An OU psychiatrist today said the state is providing little if any help for the 72,000 youngsters who need emotional health care.

Dr. Marshall Schechter, acting clinical director at the Youth Counseling and Child Development Center of the University of Oklahoma Health and Sciences Center, said the state "pays more attention to its highways than to its children."

Dr. Schechter, speaking at the spring meeting of the Central Area Oklahoma Health and Welfare Association, said Oklahoma has only one board-certified child psychiatrist.

He cited the alarming suicide rate among children as indicative of the need for child psychiatric care.

Apparent suicides by children under 10 are counted as accidental deaths in Oklahoma, the OU professor said, but he added he knows personally of at least 10 cases in which children had to be "cut down" to avert hangings.

He said suicide ranks as the fourth most common cause of death in the 15 to 19 year age bracket in Oklahoma.

In the eight years he has been in Oklahoma, Dr. Schechter said he has seen "little change" in state efforts to care for emotionally disturbed children.

I want to thank you all again for your fine contribution to the Children's Hearing. I also want to thank those Senators who found time in their schedules to participate in this hearing.

The testimony presented today was excellent and it demonstrates the need for a broad-range, comprehensive approach to children's issues. I am hopeful that enough attention can be focused on children's problems through activities such as this to activate some real reforms in this area.

This hearing will be transcribed and printed in the CONGRESSIONAL RECORD, and copies will be sent to all persons who testified as well as any others interested in this crucial subject.

MASSACHUSETTS' PROGRAM FOR JUVENILE OFFENDERS

Mr. BROOKE. Mr. President, the State of Massachusetts has undertaken a much-needed major reform in its program for juvenile offenders. Under the leadership of Gov. Francis W. Sargent, and with the cooperation of the Law Enforcement Assistance Administration, Massachusetts has taken an enlightened new look at the corrections system for juvenile offenders and has embarked on a program of rehabilitation, rather than custodial care for children in their formative years.

Governor Sargent recently addressed the fourth national symposium on law enforcement science and technology, held under the auspices of the Law Enforcement Assistance Administration. His remarks effectively describe both the past practice of incarceration, which obviously has been a failure, and the new direction of rehabilitation, which is geared toward restoring juvenile offenders to productive lives, while providing adequate protection for the rest of society.

So that all Senators may be apprised of the progress being made in Massachusetts and of the cooperation existing between Federal, State, and local units of government involved, I ask unanimous consent that Governor Sargent's remarks be printed in the RECORD.

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

ADDRESS BY FRANCIS W. SARGENT

In an age plagued by soaring crime and riddled with fears, preventing crime must be an activity which involves every citizen. There is no better way to begin than by forming a federal, state and local partnership to work with the juvenile offender. It is at this level that we have the best hope of success—And it is at the juvenile level where our efforts will pay the greatest dividends for the individual, and for society at large.

The necessary ingredients for a productive partnership are a commitment and the funds to implement the needed changes. Both forms of support are essential if we are ultimately to be successful.

This morning I would discuss the commitment we have made in Massachusetts. We are determined to *rehabilitate* the juvenile offender. We are indebted to the Law Enforcement Assistance Administration for the funding support we have received in transforming this goal from a hope into a reality.

A little over two years ago, I recruited a new Commissioner for our Department of Youth Services. His name is Jerome Miller.

Dr. Miller was faced with a department that had operated in the same manner for about 100 years. It was a system very much like many which exist today throughout the country.

Under this system, we would take a child who has gotten into trouble, lock him up in a cell, punish him for a period of time and then send him home to commit another offense. Almost 75% of the children who were released fell into that pattern. The fact that the remaining 25% did not return to an institution is a miracle . . . for they received no more than custodial care.

Shortly after I took office, I became convinced that there were better ways to deal with juvenile offenders. Better than simply shutting them away in institutions.

I felt that a community-based treatment system would provide better rehabilitative services. And it would cost less to the taxpayers of Massachusetts.

With each new experience, I am more and more convinced that we were right. But it hasn't been easy.

Dr. Miller had to convince his own staff that the community treatment system was better.

We had to embark on a massive public education program. Many people still cling to the myth that walls mean protection for society and for the offender.

Notwithstanding this lingering opposition, we have continued to move forward. At this moment, four of our five major state juvenile institutions have been closed. By the first of July we will have closed the last one. This will end the use of large, barren facilities to care for youth who need real services instead.

There will always be a need for some security to protect the community. But, only a very small percentage of the children who are convicted will require such confinement.

It is easy to make buildings symbols and to measure success in terms of how many buildings are closed. But, if we fail to provide quality services to youthful offenders in the community setting we will have failed in our effort to rehabilitate young people.

In Massachusetts, we have devised viable alternatives to our institutions.—Alternatives that would not have been possible without the cooperation and support of L.E.A.A.

In the past two months, we have opened 13 new group homes. We hope to open 7 more in the near future. The concept of group homes has become a reality due to the funding, planning and technical assistance provided by the Committee on Law Enforcement and Administration of Criminal Justice.

The funds the Committee has supplied have provided an increased planning capacity for the Youth Services Department. They have also allowed us to upgrade the management and administrative services offered by the Department.

The Committee has helped develop a model residential youth center for the State. Thanks to the work of that Committee, Massachusetts now has its first community-based residential center for girls. Although approximately ⅓ of all juvenile crimes are committed by female offenders, there are virtually no community-based services presently available for them.

As we have begun to move toward a community-based program, we have discovered an interesting fact. We can provide better services at lower costs through community programs.

Under the old system, we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately $10,000 a year to keep a child in an institution. Ten thousand dollars a year . . . Think of it.

For this money, we could buy each child a complete wardrobe at Brooks Brothers, give him a $20 a week allowance, send him to a private school and, in the summer, send him to Europe with all expenses paid.

We could do all that and still save the taxpayer over $1,300 a year.

This is the kind of money we have been investing in our institutions . . . and all of you know the results.

If, on the other hand, we invest in a community treatment program, we can provide individual services, personal counseling, job training, specialized education, and healthy group home settings for about half the cost. Even more important, we can begin to help a child understand his behavior and motivation in an atmosphere of trust and support.

For the child who needs an intensive parole counseling program, the cost is a little over $2,600 per year, per child. A foster home . . . which provides needed parental guidance . . . costs $1,200 per year, per child. And for those children who need a group home, the cost is approximately $7,500 a year for each child.

In Massachusetts, however, we have a dual system to treat the juvenile offender. We have the unfortunate distinction of being the only state in the country to send children, with educational problems, to institutions known as county training schools. These schools were started in 1873, and have not progressed much since.

They are filled with children aged 7 to 16 whose only offense is that they were truants. These children are not criminals. None of them has committed dangerous criminal acts. Rather, these children suffer from behavior problems rooted to social causes. And yet they are still locked behind walls.

I have tried to forbid the use of these schools in Massachusetts.

Under present Massachusetts law, children with behavioral problems may be convicted of six different "crimes"—habitual truant, habitual absentee, habitual school offender, stubborn child, runaway and wayward child. I have filed legislation to do away with these crimes.

Under my proposal, a child who would normally be convicted of one of these so-called offenses, will instead receive a civil commitment from a court. My proposal also provides the court with options. All of these options are designed to see that the child gets treatment, not punishment. I am convinced that this system will work.

We have begun to initiate major reforms. But make no mistake these reforms are not quickly accepted by the public. There are major areas of resistance. But there are also areas of tremendous support. I have been continually encouraged by the local courts, police and school systems. They have increasingly expressed a willingness to help young offenders re-enter community life. I have been encouraged by the commitment of young people who want to help other young people. In addition I am grateful to LEAA which has committed over $1 million dollars to assist in the community based program. These funds have helped us move away from institutions . . . But more importantly they have allowed us to embark on innovative rehabilitation programs.

We currently have 120 young people participating in a new and exciting program called "parole volunteers". Under this program a child receives close personal guidance from a college student. The student is paid a nominal salary to maintain a continuing relationship.

It is too soon to tell what long term effect this new system will have. However our initial indications, are favorable.

We are hopeful that a large number of young offenders will turn away from a poten-

tial life of crime to become productive citizens of our Commonwealth. Once again, the commitment was made possible with the help of LEAA.

But if we are to continue implementing the community-based concept, we will need even greater commitments and greater federal financial assistance. Eventually the costs will be cheaper and the rewards greater.

The community-based treatment concept can eventually apply not only to juvenile offenders, but to adults as well. In my opinion, it is a new and needed direction for correction in general.

While offenders of different ages have individual needs, there is one need common to them all. They must be assisted in learning to live in their communities. No longer can we continue to close them in institutions that leave them ill-prepared to be responsible citizens when they are released.

I gratefully acknowledge the support that LEAA has given the Commonwealth of Massachusetts. Together we have begun to find new solutions to age old problems. As a result the future holds great promise for a breakthrough in the revolving-door syndrome which has plagued the corrections field.

I ask for your continued support, so that together we can devise a system that will rehabilitate the individual while truly protecting the society.

THE AABNCP: NEEDED PRESIDENTIAL COMMAND POST OR AIR FORCE LUXURY HOTEL?

Mr. PROXMIRE. Mr. President, the new defense budget includes a $261-million downpayment on a new Air Force program which has received very little public scrutiny to date. I refer to the Advanced Airborne National Command Post—AABNCP—program, which calls for the purchase of seven Boeing 747 aircraft for use by top defense planners and decisionmakers in the event of a national emergency. Three of the planes would be stationed at Andrews Air Force Base for Presidential use, while the remaining four planes would be turned over to the Strategic Air Command.

According to the Defense Department, these new planes are needed because of deficiencies present in the EC–135 aircraft now used for Airborne National Command Post purposes. As Secretary of Defense Laird explained in his posture statement to the Congress:

> Our current airborne command and control system is deficient in that it lacks capacity for added communications and data processing equipment. We need to improve the survivability of the system, and to provide the more secure communications needed for control and execution of the forces, the long endurance, the space for sufficient high level staff to support the National Command Authorities, and space for the battle staff and equipments which provide the information needed in the critical decision-making process.

I fully recognize the need for a top-notch command and control system. Our strategic posture could be gravely compromised—and the lives of millions of people jeopardized—by deficiencies in this area. If our present system is deficient, it should be improved, and I will fully support any efforts likely to achieve that goal.

But I cannot support this program as presently structured by the Air Force. My own investigation, strongly reinforced by some excellent hearings recently published by the House Defense Appropriations Subcommittee, convinces me:

That this new program has been hastily conceived and poorly planned;

That it stands in gross violation of the "Fly Before You Buy" policy to which the Defense Department subscribes; and

That it is, in fact, a classic textbook example of how to botch an important military program.

Mr. President, these are strong words, but I hope to back them up in my remarks today. The $261 million budgeted for this program would enable the Air Force to buy six of the seven new 747's it ultimately claims are needed. Yet we need none of these aircraft now, since the new equipment which would go inside has not yet been developed. And we may not need them later, since that equipment and the necessary staff personnel would almost certainly fit comfortably in slightly small and significantly less expensive DC–10 or L–1011 aircraft.

Seldom has the cart been put further before the horse. And seldom has there been a program more replete with hidden motives totally unrelated to the official rationale.

This situation deserves immediate attention by all Members of Congress devoted to a sound procurement policy. We have not yet embarked on this ambitious effort to improve our command and control capabilities. We still have time to do the job right. That chance will be lost, however, unless this program is stopped long enough to determine what our command post needs really are.

I. THE OFFICAL AIR FORCE RATIONALE

Air Force plans for a new fleet of command post aircraft were first presented to the Congress in the form of a supplemental request to the fiscal 1972 budget. This January 1972 request sought $119.8 million, $113.8 million of which was to be used for the purchase and modification of four Boeing 747's and $6 million of which was to be devoted to related R. & D. efforts. The Air Force announced at that time that two additional aircraft would be purchased in fiscal 1973 and one more in fiscal 1974. Fiscal 1973 funding was pegged at $141.2 million and total program costs were estimated at $428 million. Shortly thereafter, the Senate Armed Services Committee announced that it would defer action on the supplemental request and consider it in conjunction with the requested fiscal 1973 funding. Accordingly, $261 million—covering six of the seven planned aircraft and over 60 percent of the presently estimated total program costs—is at stake in this year's budget.

In presenting its plans, the Air Force cited three reasons why a new fleet of command post aircraft was needed.

First, there was concern about the survivability of present aircraft in a nuclear effects environment. As Secretary Laird noted in testimony to the House Defense Appropriations Subcommittee:

> If our command and control cannot survive, it doesn't make any difference how many of those submarines and how many of those missiles we have. Mr. Chairman, when we started back here in this Committee in going forward with some of the programs we did to insure command and control, we were talking at that time, back in the early fifties, about survivability under an attack by weapon systems that had accuracy problems and were much different from the refined weapon systems that the Soviet Union now possesses. Against such a threat, the survivability of those kinds of command and control facilities is questionable.

This survivability problem was to be countered, Laird noted, by making the new aircraft better able to withstand the effects of electromagnetic pulses—EMP's—produced by large nuclear explosions.

A second concern was the lack of space for both men and new equipment on existing EC–135 command post aircraft. As the House subcommittee was told by Laird:

> I am sure you have had an opportunity to be on the alert aircraft that are at Andrews right now. Before a person can go to the back of the plane, everyone has to move out of his chair. Even the people who are operating the equipment must move—you can hardly get through back to the quarters where the command authority will be. These aircraft are really loaded down.
>
> This particular aircraft that we presently have is approximately 880 square feet in size. The aircraft that we want will have approximately 3,400 square feet of space.

This added space, the House subcommittee was told, would be used for new communications and data processing gear. It would also provide room for 39 battle staff personnel and 50 to 100 other advisers, considerably more than double the present EC–135 personnel capacity.

Finally, concern was expressed about the limited airborne endurance of an unrefueled EC–135. In contrast to its 8-hour maximum without refueling, a Boeing 747 could stay airborne for 16 hours at a time, providing increased flexibility in crisis management decisionmaking.

These deficiencies, the House subcommittee was told, made immediate action on a new command post an urgent necessity. In fact, the urgency was so great that an unusually structured program was required.

Three 747's were to be purchased immediately and existing EC–135 equipment transferred to them to "provide some important improvements in our capability by 1973." As Secretary Laird explained:

> By providing a larger, more capable aircraft, even with the present electronic equipment, we will be able to obtain greater endurance, more flexibility, larger battle staffs, a larger group of varied experts to support top level decision-making, and additional space to put improved communications and automatic data processing as it becomes available.

The fourth aircraft was to be used as a prototype for EMP tests and the development and operational testing of the new equipment which would eventually be installed in all aircraft.

Once the final equipment configuration was thus determined through prototype work, it would be installed in aircraft Nos. 5, 6, and 7. These aircraft would then be made available for Presidential use and the first three aircraft, together with the prototype, would be turned over to the Strategic Air Com-

mand—SAC. This final configuration was expected to be operational sometime in 1975.

Such was the case presented by the Air Force for its new command post program. Program initiation has been delayed by deferral of action on supplemental fiscal 1972 funding, but the Air Force remains poised for an early go-ahead.

II. THE RATIONALE EXAMINED

On the surface, there is an air of plausibility to this new command post program. One need not look far, however, to quickly dispel that illusion.

THE ROLE OF THE FIRST THREE AIRCRAFT

In its report on the fiscal 1972 military procurement bill, the Senate Armed Services Committee called attention to a continuing problem:

Weapons programs involving a large degree of concurrency, or overlap between development and production, have resulted in commitments to production while great technological uncertainties still remain to be resolved . . . When changes must finally be made in weapon design during the later stages of development, concurrency has maximized the cost of these changes . . . In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves.

These words are directly applicable to Air Force plans regarding the first three aircraft in the command post program. The Air Force intends to procure three 747 platforms now, despite the fact that development of the new equipment to be installed has not yet begun.

Its justification is the overriding urgency of the program, an urgency not recognized until a command and control review study was completed and a directive issued on December 23 of last year, less than 1 month before the first funding request for the program was formally presented to the Congress. At that time the Air Force had already submitted its proposed fiscal 1973 budget—with no AABNCP funds included—to the Department of Defense for review.

This sudden recognition of the need for a new command post is quite surprising. Space has been tight on the EC–135 for some time. The effects of electromagnetic pulses have also been well known. As House Subcommittee Chairman GEORGE MAHON responded when quick approval of the new program was requested:

But Mr. Secretary, you know that this administration and prior administrations have been alert to the problem of command and control. You have not been negligent, and the Congress has not been negligent in providing command and control. We have planes and we have land command and control systems, and I thought they were reasonably good. To suddenly develop this extreme need seems uncharacteristic.

Even if a need does exist, it seems doubtful that much will be done to meet it by buying new planes and putting the old equipment inside.

The new planes will not themselves solve and in fact are not needed for a solution to the electromagnetic pulse program. As General Glasser told the House Subcommittee:

We would need to do substantial modifications to the aircraft to make it more impervious to the effects of electromagnetic pulse . . . These are shielding, isolation, and things of that sort. They really do not have much relation to [aircraft] size.

These modifications could be made on EC–135 aircraft. And they would not be made on the first three 747's until substantial EMP tests had been completed on the fourth prototype aircraft.

Nor would the purchase of the first three aircraft make more equipment available to top national commanders. As noted earlier, much of this equipment has yet to be developed. While a few new off-the-shelf items have already been earmarked, even these would not be installed until sometime "between the second and fourth quarters of fiscal 1974."

Immediate purchase of the three aircraft would create room for more personnel aboard the plane, but it is not clear whether more personnel space is really needed. The following exchange before the House subcommittee makes the point rather well:

Mr. SIKES. Has the White House formally notified the Department of Defense of the White House requirements for personnel spaces to accommodate NCA advisors and exactly who these advisor personnel would be?

Admiral JAMES. The White House in the EC–135 has officially notified us, but in the 747, to the best of my knowledge, not yet.

Mr. SIKES. How do you know then whether or not they need a bigger aircraft?

Admiral JAMES. The purpose of the airplane is not only to provide the additional room for the National Command Authorities advisors, Mr. Chairman. There are a lot of other reasons why we need the aircraft. But this would provide space, and if the NCAies felt the need for more advisors then there could be some adjustments in the arrangement.

And while the new planes would provide greater endurance than the EC–135, this improvement alone is of questionable value. We have hundreds of tankers capable of conducting air-to-air refueling operations. If our command post aircraft cannot count on the availability of a tanker, it raises grave implications for the prelaunch survivability of our strategic bomber force, which is itself dependent on tanker refueling to carry out its mission.

The Air Force tried one final argument in testimony before the House subcommittee. It suggested that—

The first three aircraft are essential to provide the operational experience needed to properly define the command, control, and communications package to be installed and tested in the fourth aircraft.

Some wild justifications have been offered to Congress for new military programs, but this one stands alone. Will it now become standard operating procedure to begin each new aircraft program by building three airframes to fly around in order to find out what equipment should be installed in the first development prototypes? It seems to me that ground level studies and development work have sufficed for this purpose in the past. They should remain sufficient for the future.

THE FIRST THREE AIRCRAFT—HIDDEN MOTIVES

All that the first three aircraft would provide initially is a bit more room and some increased endurance, and it is difficult to believe that the Air Force would really want to buy them solely for that purpose. To look for other motives is an admittedly subjective exercise. Such motives do seem present, however, and they are only thinly veiled.

One such motive, it seems apparent, is to boost employment at the Boeing Co.'s Seattle plant. Secretary Laird did not deny the point in testimony before the House subcommittee:

Mr. MAHON. The President said in his budget statement that the budget was designed to promote employment. How does that philosophy impact on this supplemental request?

Secretary LAIRD. There certainly will be some impact, Mr. Chairman. I will supply that information for you. That, however, has not been the *overriding* reason for submitting this particular request. . . . The reason we are buying the new aircraft is not *primarily* related to employment (emphasis added).

The same point soon surfaced once again:

Secretary LAIRD. The first four of these 747s are now on the production line at Boeing.

Mr. MAHON. They are on the production line?

Secretary LAIRD. They are on the production line.

Mr. MAHON. And nobody else wants them so we will buy them, is that the point?

Secretary LAIRD. We can get these programmed.

Mr. FLOOD. Four or three?

Secretary LAIRD. Four. They are on the production line. I can't say that buying them will necessarily add to employment immediately. They will add to employment from here on, but these particular ships are already on the production line.

Mr. MAHON. But usually you have to wait for aircraft of this type because somebody else would want them. They have satisfied their market, and they have four on the production line that they can let you have.

Secretary LAIRD. We can elbow our way into this production line and we can buy them at $1 million each less this year than we can next year.

Mr. MAHON. In other words, it is a good market in which to buy, if you are going to buy them.

Secretary LAIRD. Yes. If you are going to buy them you can buy them for $23 million this year—fiscal year 1972. Next year in fiscal 1973 the aircraft will cost us $24 million.

A second motive, in all likelihood, is Air Force concern for their own command post needs. For in addition to the three command post aircraft stationed at Andrews Air Force Base for Presidential use, the Air Force itself has in its present inventory some 45 EC–135 command post aircraft. As Congressman SIKES noted during the House subcommittee's hearings:

From fiscal year 1962 through 1971, we have spent about $538 million for airborne command posts for CINCPAC, CINCSAC, and CINCEUR. CINCSAC alone has 29 EC–135 aircraft serving as airborne command posts, auxiliary command posts, communication relay aircraft, and airborne launch control centers.

By purchasing three aircraft now to meet an alleged interim Presidential need, after which these aircraft—and the fourth aircraft prototype—would be turned over to SAC, the Air Force could hope to initiate replacement of its own command post fleet without having to

seek direct recognition of a replacement need. And once that need was indirectly recognized, it might be possible to undertake a replacement program much more ambitious than the four-aircraft program implicit in present AABNCP plans.

It might be difficult to win direct approval for such a replacement program. For one thing, present Air Force command posts are only 10 years old. In addition, it seems unlikely that all Air Force planes would have need of the massive equipment and large staffs required by the President as Commander in Chief. Finally, Air Force interest in command post aircraft to manage its bomber and missile forces stands in marked contrast to Navy interest in command post aircraft to control our sea-based missiles. Once again the House subcommittee hearings amply demonstrate the point:

Mr. SIKES. Does the Navy have command post type aircraft for their Polaris/Poseidon submarine fleet similar to those of CINCSAC?

Admiral JAMES. No, not similar to CINCSAC. They do have radio relay aircraft that are called TACAMO 130's. They are not equipped the same way, but they do provide low-frequency radio communications to the submerged submarines.

Mr. SIKES. Then you are saying that, in substance, we do have the equivalent of airborne command posts for our sea-based strategic missile force?

Admiral JAMES. No, that could not be classified as a command post. . . .

Mr. MURPHY. If our strategic deterrent force is important and SAC considers it imperative to have an airborne command post to control its Minuteman missiles, it is difficult to understand why the Navy did not consider this an important factor and also have an airborne command post to control 656 sea-based strategic missiles.

Admiral JAMES. They . . . have been trying to get the assets to put a command post airborne.

If the Navy has not been able to find such assets 10 years after the first SAC command post aircraft were purchased, it seems difficult to believe that the Navy views such aircraft as a first priority requirement.

THE FOURTH AIRCRAFT PROTOTYPE

Since three new 747's now would provide little in the way of improved capabilities, and since their purchase seems motivated by slightly suspect factors, it might seem advisable to initiate the new command post program with work on the fourth aircraft prototype. This effort alone, the House subcommittee was told, would cost $116 million.

There are good reasons, however, why this approach, too, should be rejected.

First, it is not clear that a 747 is the best airframe choice available to the Air Force. Three other candidates—the DC–10, the L–1011, and even the C–5A—should also be considered.

The DC–10 and L–1011 have only 2,500 square feet of floor space, compared to 3,500 for the 747. But this is still a significant increase over the 880 square feet available in the EC–135. Moreover, it is more space than present plans require. As Admiral James told the House subcommittee:

The total [space] requirements that have been identified are 1,800 square feet.

This itself would allow considerable extra room in a DC–10 or L–1011 to accommodate new requirements uncovered in the future. And these planes, it should be remembered, are roughly $6 million less per copy than 747's to purchase. They would also have proportionately lower operating costs over the course of their lifetimes.

The 747's would have an endurance advantage—16 hours unrefueled compared to slightly over 10 hours for the DC–10 and L–1011. But the significance of this advantage has not been clearly shown. And if it is key, consideration might be given to converting three C–5A aircraft, which also have a 16-hour unrefueled endurance, to command post use. New C–5A purchases would be prohibitively expensive, but it is unlikely that our strategic airlift capacity would suffer greatly if only three of the present 81 aircraft were diverted to this role.

The Air Force, then, has not demonstrated that new 747's are clearly the best choice for the new command post mission. Yet purchase of a 747 to begin prototype work would commit us to use of that aircraft in a new command post program.

Actually, the whole AABNCP program has been put together so hastily that the purchase of any aircraft for operational prototype work is not advisable at this time. Consider for a moment the present status of work in several important areas. Again the House subcommittee hearings will provide the main source of evidence.

It was noted earlier that the White House has never informed the Air Force who would use the additional personnel spaces available on the 747. White House involvement in this project has been very small indeed, as the following exchange indicates:

Mr. MURPHY. Admiral, before any determination is made as to what a President might need, it would appear that a study should have been made in the past as to exactly what previous Presidents have done in times of tension, how many advisory people they actually utilized as opposed to how many were made available to them, in order to size an aircraft for this purpose. Have any studies of this nature been made and, if so, what were the results of these past experiences?

Admiral JAMES. I am not aware of any specific studies under the various circumstances, but this particular number was arrived at by the JCS. . . .

Mr. MURPHY. This is pretty much a military determination, then. . . .

Some subcommittee members expressed doubt about the whole command post rationale:

Mr. SIKES. In an open society such as ours, the President cannot leave the White House . . . during times of tension without the press, the country, and the world knowing about it. . . . The fact that the President would fly off in an airborne command post could create terror in the minds of the public, and even panic in the streets of this country. Have you given consideration to that . . .?

This past week, Secretary Laird testified that the 747 aircraft will have space for 50 to 100 National Command Authorities advisors in addition to about 40 battle staff personnel—it does not say a thing here about the press contingent.

Mr. MINSHALL. The only thing he needs is Presidential Advisor Henry A. Kissinger. A 3-place chopper would be sufficient.

I cannot agree that a larger new command post should be ruled out at this time. But I do think that before it is funded greater interest should be expressed by the White House in what is meant to be a Presidential plane.

House subcommittee Chairman MAHON also raised various questions about the compatibility of communications gear earmarked for the new command post with communications at our ground-based command and control center. The responses again showed lack of thorough planning:

Consideration is now being given to compatibility needs between the airborne and ground processing centers. . . . All of the specific links have not yet been designated, but this will all be accomplished well before the date of the full configuration. . . . Although . . . the specific language to be used for the AABNCP hasn't been selected yet, it is now considered that JOVIAL will be best suited to the job.

III. WHAT SHOULD BE DONE?

The AABNCP program should not be approved by the Congress—not the first three interim aircraft, not the fourth aircraft prototype, and most assuredly not the fifth and sixth aircraft, funds for which are also provided in the fiscal 1973 budget.

What, then, should be done?

First, the Congress should inform the administration that no funding for an AABNCP program will be approved until further studies and more detailed planning have been conducted under the direction of the National Security Council. If new command post aircraft are needed for presidential use, the existence of this need should be certified and steps worked out to meet it, not by the Department of Defense, but by the White House itself.

Second, Congress should inform the Air Force that any Presidential command post program subsequently approved will be limited to the number of aircraft, including prototypes, certified as necessary for White House use. Any Air Force program to replace its own EC–135 command post aircraft should be presented directly to the Congress and justified on its own merits.

Third, immediate congressional approval should be given to pending Air Force requests for related programs independent of, but of potential benefit to, a later AABNCP program. This would include R. & D. requests for a new simulator for EMP tests of all our strategic aircraft.

Mr. President, no Senator would want to impede the ability of a President to exercise his responsibilities in the event of a nuclear emergency. But all Senators should be concerned lest resources are squandered, and suspect motives served, in the name of this important goal.

J. EDGAR HOOVER

Mr. JORDAN of Idaho. Mr. President, since the beginning of the Nation's history, Americans have been concerned with the basic conflict between liberty and authority. Our forefathers, knowing

well that individual liberty is diminished by conditions of chaos, furnished us the orderly means to "establish justice" and "insure domestic tranquility."

And as the Founding Fathers endowed us with a greater portion of liberty, they charged us to be ever mindful of the accumulation of power.

They knew it was a difficult proposition to grant authority for effective, righteous action without losing the power to restrain administration of that authority should it be inclined toward improper action.

In reviewing the life of Addison, Lord MaCaulary noted that—

The highest proof of virtue is to possess boundless power without abusing it.

In reviewing the life of J. Edgar Hoover, the Washington Post noted that—

Few, if any, men in the history of the United States have accumulated so much power and wielded it for so long as did J. Edgar Hoover.

It is said that power corrupts, but it is known that J. Edgar Hoover was incorruptible—known by even his critics. The study of the history of the abuses of power draws a sharp contrast to this man's 48-year tenure as Administrator of the Federal Bureau of Investigation.

Of all the effort that is necessary to maintain a free society, the job of policeman is perhaps the least appreciated, the most dangerous and difficult. For half a century this man of honor and integrity worked in this difficult area of crime and corruption to preserve an atmosphere where individual liberty and order would prevail.

It was he who had to administer a force strong enough to subdue and control the desperate elements of society. It was he who had to deal scrupulously with those who had no scruples. J. Edgar Hoover was a true patriot. He was true to the best ideals of republican government and to the rights of man. He did more than most to insure the blessings of liberty, of peace, and of freedom from fear and harm for the greatest number. He used the vested power of his office to build a better America.

We owe J. Edgar Hoover a profound debt for the dedication of his life and for his upbuilding of the FBI. He takes his rightful place among those great Americans whose deeds live on, and his legacy will remain as a constant inspiration.

THE CURTAIN OF CONGLOMERATE SECRECY

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Curtain of Conglomerate Secrecy," written by Markley Roberts, and published in the April 1972 issue of the AFL–CIO American Federationist.

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

THE CURTAIN OF CONGLOMERATE SECRECY

(By Markley Roberts)

The collapse of the Penn Central business empire gave fresh evidence that U.S. corporations often conceal far more than they reveal in their public financial reports. Too often, basic cost, price, profit and investment data of the corporations that dominate the U.S. economy are hidden behind a curtain of secrecy.

Workers have a direct interest in getting more information about the corporations with which they bargain. Annual corporation financial reports are often skimpy and it's even more difficult for unions to bargain effectively with subsidiaries of big conglomerates. Financial information about subsidiary companies is hidden in consolidated financial reports of the conglomerates. And U.S.-based multinational corporations can export technology, production and jobs to their foreign subsidiaries before unions find out what's going on.

Not only workers and their unions, but also consumers, small businesses, investors, government regulatory agencies and Congress have a vital interest in breaking through the secrecy curtain to find out where high profits justify higher wages, lower prices, bigger output or more competition.

Constitutionally, Congress has power to regulate interstate commerce. This power was delegated during the Progressive era and the New Deal years to the Federal Trade Commission, the Securities and Exchange Commission and a variety of other agencies.

Even when regulatory agencies have the power and duty to get exact information to protect the public properly, big business often escapes effective regulation and close inspection of company records. The Penn Central failure came as a surprise to the Interstate Commerce Commission. And the Federal Communications Commission recently stopped its investigation of interstate long-distance telephone rates and proposed rate increases for American Telephone and Telegraph Co., the biggest of all U.S. corporations, explaining that the FCC lacked the necessary staff and funds for a thorough study.

Unfortunately, most big corporations—especially multi-product, multi-market conglomerates—refuse to break down their sales, cost, price and profit data by product line in a meaningful way so the general public can see what's going on. The Securities and Exchange Commission's "line of product" disclosure requirements don't operate effectively because essential information for the subsidiary companies of a conglomerate can be buried in the conglomerate's consolidated balance sheet.

When conglomerate empires swallow up major U.S. corporations, information that was previously available to the public disappears into the consolidated conglomerate balance sheet.

For example, International Telephone and Telegraph Corp. (ITT) has taken over more than 100 business operations since 1960, including such major U.S. companies as Avis Rent-A-Car, Sheraton Hotels, Marquis-Who's Who, Bobbs-Merrill publishers and Continental Baking Co., whose products include Wonder Bread, Hostess Cakes and Morton's Frozen Foods. Each such acquisition leaves us with less information reported publicly, because assets, sales and income are reported in broad categories like manufacturing, consumer and business services or utilities.

In recent years, increasing dissatisfaction has developed over inadequate, uninformative, often misleading corporate financial reporting. Accountants who audit conglomerate financial reports must certify that "generally accepted accounting principles" (GAAP) have been followed, but these "principles" are so vague and flexible that corporate managers have been able to get almost any kind of financial report certified. A 1969 FTC report states that some business firms using GAAP "indicated favorable profits right up to the point of bankruptcy."

Many corporations want to keep on using their special financial reporting system even after their auditors refuse to put their stamp of approval on the report. The corporation has a simple answer to this problem—fire the accounting firm.

The SEC has tried to stiffen the backbone of accounting firms by requiring companies to explain why auditing firms are fired. And a rash of stockholder lawsuits against accounting reports is making accounting firms more sensitive to their legal responsibilities.

But most corporation officials still think the man who pays the piper calls the tune. An official of the American Institute of Certified Public Accountants, quoted by Forbes magazine, put it this way:

"As long as we still have alternative methods in accounting—and it's apparent that we will for some time—you can get an accounting firm to say: 'Method A is preferable, but my client wants Method B . . . as long as the rest of the profession permits B, then we will, too. We can't risk losing a client.' Nearly all of them will say this when it comes to a showdown."

The federal government has tremendous leverage in signing contracts with the nation's big corporations and should be able to get informative, meaningful financial reports. For this reason, in 1970 Congress set up the Cost Accounting Standards Board to bring about uniform accounting by defense, space and nuclear industry contracts in their dealing with the federal government.

"It is virtually impossible to determine actual costs and profits on most defense contracts," Vice Admiral H. G. Rickover told the Joint Economic Committee last year. "To me, the establishment of proper accounting standards is fundamental to the improvement of defense contracting. Consistent and uniform standards are essential to measuring efficiency, evaluating the reasonableness of prices and calculating profits."

Rickover warned that defense contractors are putting tremendous pressure on the accounting standards board to water down its regulations. "Congress itself will have to keep close watch over the activities of the board to see that it does the job it was created to do; that its work is not undermined by the pervasive lobbying of defense industry pressure groups," Rickover said.

Federal standards are also needed to insure full and clear disclosure when government contracts are not involved.

Rep. Wright Patman (D-Tex.), chairman of the House Banking Committee, deplores "the extent to which Penn Central operated in complete secrecy on the most important matters and the highly questionable accounting practices used by Penn Central.

"If this is indicative of the way other corporations operate," Rep. Patman said, "serious efforts should be made to require more complete and timely disclosure of corporate actions and decisions and to develop a new, comprehensive system of uniform accounting standards for corporate reporting."

The need for accurate cost, price and profit data has come to public attention with special urgency as a result of the price program put into effect by President Nixon in 1971. Labor skepticism about this unenforced program stems in part from the fact that corporate financial data given to the Price Commission to justify requests for price boosts don't get public scrutiny. Since the price panel has no labor or consumer representatives, the public has no way to find out if the Price Commission's decisions are really justified. Individual company costs, profit margins and mark-up percentages are concealed in documents available only to the Price Commission and to the Internal Revenue Service.

Price Commission Chairman C. Jackson Grayson opposes disclosing the big corpora-

tions' financial data to the general public because it would amount to "opening up the corporate records of most of the major concerns of the nation, and I think this opening up completely would be a change in our total system thus far of the free enterprise system."

A warning about the potential loss of public confidence in the price control program was issued by Sen. Gaylord Nelson (D-Wis.) as a result of the secrecy curtain on price decisions:

"At the present time, when labor wins a wage increase, all the essential information is in the public domain. Anyone interested can find out exactly what the workers got before the wage increase and what they will get after the wage increase. The public has what it needs to form an intelligent, independent judgment on whether the Pay Board acted wisely or unwisely," Neson said.

"It is terribly important that the public be able to perform this function of Monday morning quarterbacking the decisions of the Pay Board. The sense of fairness and equity depends on it.

"It is just as important for the public to be able to evaluate the decisions of the Price Commission. But here the situation is very different. The public cannot carry out its vital function of Monday morning quarterbacking the commission's decisions. That is because the TV screen goes blank during the winning plays and there is no live audience admitted to the 'game.'

"These 'games'—the proceedings and reasoning of the Price Commission—result in immense taxation of the American consumer in the form of approved price increases. Yet they are played with no spectators. There is no one there but the players: the corporation that wants the price increase and the Price Commission that approves it.

"This can truly be described as a kind of taxation without representation. It is unfair and unreasonable, and it will, if it persists, cost the whole Phase 2 program the public confidence that it needs to succeed," Nelson said.

Unfortunately, Congress refused to add anti-secrecy provisions to the Economic Stabilization Act, which authorizes the price control program. The Senate rejected a 1971 proposal by Sen. Nelson to require corporations with yearly sales of $50 million or more to justify their price increases publicly. The House turned down a similar proposal by Rep. Herman Badillo (D-N.Y.).

The AFL-CIO has called for open Price Commission hearings and an end to secrecy in the commission's proceedings.

The public's right to know goes far beyond the present price control program with its anti-consumer inequities and its pro-business bias—because that right to know is an essential feature of a democratic society.

Power in today's American economy is highly concentrated in a relative handful of giant corporations. The 500 biggest corporations hold about two-thirds of all business assets and get about two-thirds of all business income. Only 111 corporations—out of some 400,000 manufacturing enterprises—have at least 51 percent of all manufacturing assets and get 56 percent of profits in manufacturing. And 49 banks—out of 3,100 commercial banks with trust departments—control at least 54 percent of total bank trust assets, hold 5 percent leverage-control stock in more than 5,200 companies and have interlocking directorships with more than 6,500 business corporations.

Even if the price program didn't exist, it would be essential for the public to understand how giant U.S. corporations—not only the "top 500" but also the 2,400 firms with annual sales over $500 million—manipulate their costs, prices and profits in ways that may be contrary to the public interest.

Big multi-product, multinational conglomerate corporations have deliberately diversified through aggressive merger-and-acquisition campaigns. Now these conglomerates—like ITT, Gulf & Western, Litton Industries and others—present financial reports that conceal far more than they reveal about the corporation's U.S. and foreign operations.

In recent years, conglomerate mergers and acquisitions of unrelated businesses have broken down the old concept of single-line or single-product business corporations. For some conglomerates, the "primary" industry may be less than 15 or 20 percent of total corporation operations. Thus, a consolidated income and balance sheet for the conglomerate doesn't give much help to a consumer watchdog trying to figure out whether a price increase on one particular product or on one particular product line is justified.

Furthermore, it's difficult to get realistic statistics on an "industry." The FTC-SEC quarterly financial report on manufacturing corporations suffers from this problem. And public interest regulation suffers from the lack of realistic, relevant statistics.

Proposals to break the corporate secrecy barrier aren't new. Many big and small, single-product companies already file informative financial reports with the SEC. Sen. Philip Hart (D-Mich.) has for several years been pushing the SEC to require equally meaningful, detailed financial reporting from multi-product and conglomerate corporations.

Profits on a product line of a single-product corporation can be estimated with a high degree of accuracy from the quarterly and annual reports submitted to stockholders and filed with the SEC. These reports show net sales, major costs and investments, depreciation and amortization of plant and equipment, net income before and after taxes and earnings per share.

Anyone—a consumer watchdog, a government investigator or a business competitor—can study these public reports and come up with reasonably accurate estimates of the boost in profits from a specific price increase.

But, when a multi-product corporation raises prices on a single product—or even on a number of its products—the public has no way of checking the need or justification for the price rise. The SEC requires full profits and loss data only on a consolidated basis, without product-by-product data. Even when the multi-product corporation reports the product-by-product or "line-of-business" contribution to sales and income, there's usually no way of figuring out product-by-product connections among costs, prices and profits.

For instance, Sunshine Biscuits, Inc., one of the top three U.S. producers of crackers, cookies and snack foods, was taken over in 1966 by American Brands, a major cigarette and cigar producer. American Brands reports that its food product line brings in about 13 percent of its total sales. But there's no way to separate financial data for Sunshine Biscuit Co. from the financial data for another wholly-owned American Brands subsidiary, Duffy-Mott Co., which processes and markets food products like applesauce, apple juice, puddings, vegetables and seafood. So there's no way of telling what items account for what share of sales and income for a particular product line. And the information that was once available on both Sunshine Biscuits and Duffy-Mott is now merged together under American Brands—and the consumer or the union dealing with Sunshine has lost data that were formerly available.

The helpless consumer won't get any information at all on single-line or multi-line cost-price-profit policies of family-held, non-public corporations. These corporations don't have to report to the SEC.

But publicly-held, SEC-registered, single product corporations like American Motors or Maytag and regulated corporations like Pan American Airways have been putting out product-related financial data for years—without giving away legitimate trade secrets. It's only the multi-product, multi-line conglomerate corporations with consolidated balance sheets—like General Motors or General Electric—that can avoid public disclosure of product-by-product cost and profit data.

The multi-product corporations seem to think that the bigger they are the more right they have to pull a curtain of secrecy over cost, price and profit data which smaller, single-product corporations disclose routinely. One particularly blatant example occurred in 1971. The Business Advisory Council on Federal Reports is a group dominated by corporate giants like General Motors, DuPont, Standard Oil of New Jersey, the National Association of Manufacturers and other big corporations and their represenatives. In January 1971, this group met in the offices of the Federal Office of Management and Budget to consider an FTC proposal for more complete line-of-business and nature-of-business reporting by manufacturing corporations.

The big business members of the BACFR reacted to the FTC proposal with predictable, outraged protest. "An intolerable burden" said the Automobile Manufacturers Association. "Completely impractical" echoed the American Petroleum Institute. And the NAM complained that, "The data—even if justified and available—would be wholly unreliable from the point of view of the government, business or consumers."

Such protests, if accepted at face value, indicate sheer incompetence on the part of the business executives who apparently don't know how to use modern computer techniques for management and control of their corporations. It's far more likely that big business simply wants to keep the public ignorant about basic cost-price-profit data in their conglomerate empires.

The business-oriented Nixon Administration got the BACFR message and put a deep-freeze on the FTC proposal for "line of business" reporting. In fact, one BACFR member, Charles Hornbostel of the Financial Executives Institute, boasted at a recent conference at Northwestern University that big business lobbying—including his own—at the Office of Management and Budget killed the FTC reporting proposal.

Willard F. Mueller, now a professor at the University of Wisconsin and formerly chief economist at the FTC, has pointed out that it is entirely possible and "extremely desirable" to get the kind of financial reporting that the giant, multi-product, conglomerate corporations are so reluctant to make.

Mueller believes the giant U.S. corporations should be "recognized and treated as quasi-public institutions." He has called for a federal corporation charter law which would require them to make extensive public disclosure of their basic financial data.

"This direct assault on the corporate secrecy issue," he says, "is not an attack on our market economy, but an effort to perfect it."

Greatly increased concentration of economic power in the hands of a narrowing group of banks and business firms with the power to administer prices in many industries requires federal government action to protect the public interest. And the pricing policies and financial operations of giant U.S. corporations, including particularly the multinationals, require public attention.

Efforts to regulate the multinational corporations can't succeed without an effective financial reporting system with standardized bookkeeping and standardized accounting procedures. Federal standards for international accounting by U.S. firms with foreign operations should be set up and enforced. If multinational corporations were forced to assign costs and prices to the country and to the subsidiary where production actually occurs, then the export of technology, pro-

duction and jobs could be understood and regulated to protect the public interest more effectively.

A full-scale investigation of the interlocking relationships between giant U.S. corporations, their control of key parts of the economy and their impact on free democratic institutions could educate Congress and the American public on the new realities of the American economy.

Rising public demands for increased social responsibility on the part of U.S. corporations and new demands for corporate social accounting in regard to the environment, product reliability and safety and employment practices suggest that the winds of change are blowing into the world of business.

Sound public policy can't be achieved unless the cloak of secrecy is ripped away from the big conglomerate corporations. The public needs detailed, standardized corporate financial reporting to understand how these economic giants are shaping the economy. The public's right to know and the public interest require an end to corporate secrecy on cost, price and profit information that vitally affects more than 200 million American citizens.

COMMUNICATIONS TECHNOLOGY MAY PRODUCE NEW RURAL SOCIETY

Mr. BELLMON. Mr. President, during recent consideration of the Rural Development Act, I spoke of the twin crises that have developed for both urban and rural America as a result of the migration of people away from the farms and small towns into the cities. Because some 40 million Americans have left the land and moved into urban and suburban areas during the past 40 years, our country is faced with the prospect of a vanishing rural society while problems continue to multiply in the wake of rapid growth in the cities.

This lack of balanced growth is cheating millions of Americans, particularly young people, by denying them the opportunities for education, jobs, health care, recreation and all the other things that go to make up a decent way of life.

As a resident of a State which is predominantly rural, I have long been concerned with these problems and have advocated and supported measures to reverse this alarming trend. One of the authorities with whom I have discussed my concern is Dr. Peter C. Goldmark, former president of CBS Laboratories and now head of Goldmark Communications Corp., a subsidiary of Warner Communications, Inc. Dr. Goldmark is a renowned scientist, holding more than 160 patents. Among his best-known inventions are the longplaying record and the EVR video cassette. He also spearheaded the development of the first practical color television broadcast system.

Dr. Goldmark has proposed a nationwide communications network linking satellites and community antenna television to provide American homes for the first time with a far-reaching selection of entertainment, cultural and educational services. He is directing a "New Rural Society" pilot study with a goal of developing a national pattern for executive use of communication sto attract business firms to rural communities by affording them with instant communications with all parts of the country. Existing techniques will be used to provide small towns with job opportunities, higher education facilities, sufficient medical care, all modern day living advantages, along with cultural and entertainment opportunities now available only in the larger cities. I have the opportunity of serving as a member of the Congressional Honorary Advisory Committee to the project.

Mr. President, in an article published in the May, 1972, issue of Popular Science, Dr. Goldmark tells how this new communications concept can stop the rush to the cities and bring about a new rural society in this country. Because of the impact such a development could have for all areas of the Nation, I believe every member of the Senate will be interested in Dr. Goldmark's ideas. 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:

CABLE TV, VIDEOPHONES, SATELLITES, AND DATA NETWORKS WILL SOON CHANGE THE WAY YOU LIVE, WORK, AND PLAY

(By Peter C. Goldmark)

The green, rolling landscape in the Windham County region of northeastern Connecticut is quite ordinary-looking as you drive through it. Yet this section, some 350 square miles of rural, slightly underdeveloped countryside with a population of 65,000, seems likely to become one of the most important spots in this country. There we hope to demonstrate in a dramatic way how life can be better—a lot better—for us all. Let me explain:

Since before the dawn of history, men have gathered in cities for defense, trade and commerce, cultural pursuits, entertainment, social contacts. This migration is still in progress, so that today most people in most Western countries live under conditions of extreme density in cities and suburbs. Right now, nine-tenths of the United States population lives on less than 10 percent of the land.

If this trend continues, 200 million of the nearly 300 million Americans in the year 2000 will be crowded into 12 urban centers. More than half of the population—150 million people—will be in the three largest urban concentrations: Boston-Washington, Chicago-Pittsburgh, San Francisco-San Diego.

Many of our troubles today spring from this urban crush. Man is physiologically and psychologically unprepared for the stresses and strains that result from such conditions. In the high-density living areas, the problems of crime, narcotics, pollution, poverty, traffic, education, and so on are greatest. Smaller towns have these problems, too, but they are manageable.

What we propose is to establish an advanced sylstem of communications networks that will do nothing less than give people a choice of where to live—and thus utterly transform our society. Communications technology—through which people will communicate rather than commute to large urban areas—can lay the foundation for this better life.

WHY DO PEOPLE MOVE INTO THE CITIES?

First, for jobs. Then, for educational and medical facilities—universities. And for excitement: theaters, cultural centers, sports arenas.

With our present communications technology we can provide all of these things in small towns.

Let me give you some examples of how this would work. Let's say an insurance company based in Hartford decides it will have to hire an extra 1,000 workers. With two-way television, broad-band cable or microwave, and facsimile, there is no longer any reason why it has to build office space for them in Hartford. It could set up offices in five nearby small towns, each office housing perhaps 200. Two-way TV and facsimile would enable instant communications, more rapid than you have now in a skyscraper office building.

Education? We could establish minicolleges, small colleges with small staffs. A minicollege would be linked by two-way television with a university. Students at the minicollege would participate in all important events at the central university. They wouldn't just sit and look and listen. With two-way television, they could participate, ask questions, enter into discussions.

Entertainment? Through the use of satellites and cables, we can bring anything exciting happening anywhere in the country to every corner of the country: sports events, concerts, anything.

We can do something about medical problems, too. In many depleted areas, it's impossible to keep doctors. In such areas, we could establish telemedicine. With two-way TV, for example, we could have remote diagnosis.

The approach to the new rural society does not mean the de-urbanization of the United States. The main objective is to provide options for 100 million more people, options that today do not exist. This in itself may relieve the pressure on the cities.

To change the nation's living pattern requires more than communications technology alone. Before nationwide planning is undertaken, we are launching an exploratory program on a small scale in Windham County, where population density is low and the need for planned economic development is high. This project is being funded with Fairfield University by the U.S. Dept. of Housing and Urban Development. The study phase, now underway, will be conducted jointly by the university and its president, William C. McInnes, S.J., and my company, Goldmark Communications Corp.

As a test and demonstration we hope to establish broadband links to Hartford to demonstrate that companies could have employees working just as efficiently in rural settings as in company headquarters. But the first step involves gathering information. Here's what we are doing:

Studying office practices that result in meetings, memos, letters, presentations, etc., in business, industry, and government. How can these practices be transposed into communications media? The results should indicate how components of business or government could function effectively in rural communities.

Joining with a number of towns in a given region to explore how to establish standards and limits to ensure the optimum rate and pattern of growth for the highest quality of life. The effort will be cordinated with state agencies to assure that the development program is in the best overall interests of the state. It will also figure out what utilities, transportation, and other resources would be needed.

Experimenting with a variety of communications equipment that could provide services needed for the business, government, and other aspects of life of the developing community.

Creating an intergovernment body of federal and state officials to initiate a coordinated, national effort based on experience gained by the study project.

A NEW RURAL SOCIETY WILL EMERGE

Once studies have been made, the building of the communications systems can begin. As we envision it now, it would consist of a number of networks—internal and external. The internal system, strictly within towns, will consist of five basic networks:

Network One: The primary network exists

now only in the form of the telephone. It would be expanded into a two-way random-access network for voice, data, and two-way videophone. This would be the most basic urban "nerve system"—as vital as streets, water, or power. The basic purpose: to put everyone in contact with everyone else in the community, no matter how dark the streets or heavy the traffic. Since it will be linked with computers, the same network will provide random access between man and machine, or between machines.

The network can be looked upon as a pipe into every home, office, or library, through which one can not only converse, but also transmit and receive written materials, pictures, data, etc. Its most important contribution is to connect every terminal (telephone, videophone, teletypewriter) with any other.

Network Two: AM–FM radio and television broadcasting. This could consist of one or more local stations, preferably with network affiliations and educational television broadcasting.

Network Three: broad-band cables carrying a multitude of television channels into individual homes. This network would include limited-address narrow-band callback for purposes of polling or making requests. Such two-way cable-TV systems are already being explored.

As part of this network, general informational services would be made available to individual homes. One important example would be the ability to dial up important municipal events, such as meetings of the various town boards—i.e., Education, Finance, Zoning, Board of Representatives. Through the network's two-way polling ability, public opinion on any issue under discussion could be almost instantly registered. Through a system of "frame freezing," vast amounts of information concerning travel, weather, pollution, shopping, traffic, various municipal and other public services, lists of cultural and entertainment events, could be selected and seen on the home television screen.

Network Four: another broad-band cable system, carrying approximately 30 two-way television channels. These would interconnect the major public institutions of the city: city hall, hospitals and nursing homes, schools and colleges, libraries, police and fire stations, bus and railroad stations, airports, and all other town services. This network would provide informational services among the institutions and key officials, ensuring smooth operation.

Network Five: a town emergency service. This would include the "911" police and fire emergency system, augmented by automatic identification of callers' location and by a system to identify the location of vehicles operated by police, fire, sanitation, ambulance, utilities, and other large fleet operations.

In addition to these internal-communication networks, the city of the future will have *external* systems:

1. Incoming broad-band cable or microwave circuits, which connect the town's business and government offices with operations in other cities or countries. These are permanently wired point-to-point links.

2. Long-distance broad-band circuits interconnecting the town's switched telephone and videophone services with the corresponding switched services in other cities.

3. Common-carrier broad-band and narrow-band services—such as the U.S. Postal Service and Western Union—for transmission of messages, printed material, and data between towns and to other countries.

4. Incoming circuits for educational, cultural, and recreational pursuits. These might include:

Radio and television broadcast circuits both for private networks and for public broadcasting.

Two-way broad-band educational-television circuits interconnecting a small local campus with the region's central university.

Broad-band cable circuit as part of a national high-definition closed-circuit-television network to bring live Broadway, opera, concert, and sports productions to theaters specially geared for such performances. The system would employ high-resolution color television of at least 1,000 lines with cameras and projectors especially designed for live pickup and large-screen projection. The most suitable national distribution method for such signals would be via a synchronous satellite broadcasting several of these high-definition TV signals and received by local high-gain fixed antennas.

THE TASK IS GIGANTIC, BUT IT CAN BE DONE

It will present an urgent challenge to our youth, and all of us must direct our efforts to it. I believe the magnitude of this task will make going to the moon seem like a ferry-boat ride.

But during the remaining 28 years of this century, 50 to 100 million new Americans will join the population. Over that period, the scientific advances we have already produced will, we hope, improve the quality of life, provide everyone with a better ecological atmosphere, unclog our highways, improve health care, and, for the first time, give us a real choice of where we live and work. Such an advance can ensure that in the year 2000 this country will be a wonderful place to live.

HUMAN RIGHTS CONVENTIONS AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, some people have questioned whether or not a human rights convention is a proper use of the treatymaking power granted by our Constitution to the President and the Senate. The Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968, commonly called the Clark Committee, issued a report in October 1969 that dealt with this question.

In their conclusion the Committee said,

Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States. This conclusion is supported by the past treaty making practice of this country.

The Clark Committee felt that an important criterion for judging human rights treaties was whether or not the treaty was in the best interests of the United States. If we stand to gain by an improvement in our international relations or by an increase in the prospects for world peace, that is a strong point why we should ratify a treaty.

The Genocide Convention is in the best interests of the United States. American ratification would help to reduce the chances of genocide occurring, which in turn will help to preserve world peace.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

INAUGURAL OF GEN. CHIANG KAI-SHEK

Mr. FONG. On March 21 and 22 this year, Gen. Chiang Kai-shek and Mr. C. K. Yen were reelected by the Chinese National Assembly to be President and Vice President, respectively, of the Republic of China. They will be inaugurated on May 20. President Nixon will send Ambassador John Eisenhower as his special envoy to attend the inauguration ceremony.

During the past year, the Republic of China experienced a most difficult time. She was expelled from the United Nations, despite our country's efforts to retain her membership in the U.N.

Then President Nixon visited the People's Republic of China to try to normalize U.S. relations with that nation. Many European and American governments accorded diplomatic recognition to mainland China. Yet, the people and Government of the Republic of China reacted to these events with restraint and dignity.

They are maintaining their economic growth, achieving a growth of 11.4 percent last year. Foreign investments continue to flow to Taiwan in increasing volume. The constitution was amended so as to give more representation to the native people in Taiwan in the various branches of the government. Many efforts are being made to improve the livelihood of the people, making the standard of living of Taiwan second only to that of the people of Japan in Asia. The economic progress and social betterment have been achieved largely due to political stability developed under the able leadership of President Chiang Kai-shek.

On this inaugural occasion, I am sure my Senate colleagues will join me in extending to President Chiang and Vice President Yen our heartiest felicitations and our best wishes for their good health and success.

A COMPREHENSIVE NUCLEAR TEST BAN TREATY—II

Mr. HUMPHREY. Mr. President, I have spoken out repeatedly in support of the conclusion of a Comprehensive Test Ban Treaty—(CTB). The Committee on Foreign Relations has held two hearings on the CTB and most assuredly looks with favor on the two CTB resolutions of which I am a cosponsor.

Yet, in the past 9 years since the signing of the Limited Nuclear Test Ban Treaty of 1963, there has been surprisingly little movement toward the conclusion of a comprehensive test ban. Instead the record shows that since 1963, the United States has tested at least 234 nuclear devices, compared to the 298 tests undertaken during the 17-year period from 1946–63. The Soviet Union has since 1963, tested at least 54 nuclear devices compared with 124 tests in the earlier period.

The first U.S. underground test in 1957 was 1,700 tons worth of explosive power. The Amchitka test was on the order of 5 million tons. In 8 years of testing covering the fiscal year period of 1964–71, the United States has spent over $2.5 billion for nuclear weapons.

These facts are hardly encouraging, considering the fact that the United States and the Soviet Union, as signatories to the Limited Test Band and the nonproliferation treaties committed themselves to the furtherance of a comprehensive test ban. Now the President is going to Moscow, and most certainly, arms control will be one of the main topics on the agenda. The scientific com-

munity has made great advances in our seismic detection equipment to the point where onsite inspection may be of minimal strategic importance. Now there are other countries who may be on the verge of going nuclear.

Now is, therefore, the time for us to conclude a Comprehensive Test Ban Treaty. A thoughtful essay by Mrs. Betty Goetz Lall on this subject gives more detailed reasons of just why a CTB is so essential. Mr. President, I ask unanimous consent that Mrs. Lall's article be printed in the RECORD.

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

A COMPREHENSIVE NUCLEAR TEST BAN TREATY

(By Betty G. Lall)

REVIVAL OF THE TREATY ISSUE

On 9 October 1971, the United States reported that the Soviet Union tested a large nuclear weapon underground, the equivalent of three million tons of TNT. On 5 November 1971, the United States, on the island of Amchitka, off the coast of Alaska, tested a nuclear weapon underground, the equivalent of five million tons of TNT. These two tests signify that the limited nuclear Test Ban Treaty of 1963, banning nuclear tests in the atmosphere, in outer space, and underground, no longer acts as a brake on the nuclear arms race. Nuclear weapons testing since 1963 has gone on at a faster pace than before the treaty was signed. The United States in this eight year period has tested 234 devices, compared to 298 tests from 1946–1963, a 17 year period. The Soviet Union, which does not announce its tests, has tested since 1963, 54 nuclear weapons, according to United States reports. Its testing record in the previous comparable period was 124 tests.

Increasingly the size of these tests has grown, indicating that testing underground no longer inhibits the size of the weapons tested. The first United States underground test in 1957 was 1,700 tons worth of explosive power; now testing is done in the 100,000 to several million tons range without apparent difficulty. These facts constitute one important reason why this is an appropriate time to review the possibilities, as well as the difficulties, for activating serious negotiations between the United States and the Soviet Union to extend the limited Test Ban Treaty so that it is comprehensive and bans all underground nuclear weapons tests.

There are other reasons why a comprehensive test ban treaty has again become a current issue. Further deployment of the delivery vehicles for these bombs and warheads may shortly be curtailed as a result of current U.S.-U.S.S.R. SALT negotiations to place limitations on their long range missiles and bombers. Therefore, further testing of nuclear weapons for strategic purposes not only may no longer be relevant to United States and Soviet armaments programs, it may also threaten the viability of a SALT agreement if post-agreement testing appears to give one side an unanticipated advantage over the other. A SALT agreement is more likely to endure if both sides believe that a status quo in this aspect of their weapons development has been reached and hence stabilized. If a SALT agreement does not materialize there will be pressure to step up the race in strategic armaments. Statements made by President Nixon and Secretary of Defense Laird in connection with the fiscal 1973 budget presentation suggest that the United States Executive branch may want to speedup the development and deployment of additional strategic delivery vehicles such as an advanced missile submarine.[1]

Footnotes at end of article.

The previously mentioned large nuclear tests of the United States and the Soviet Union presumably were to test the warhead of part of their antiballistic missile systems. If so, a relative parity in testing may now exist between the two sides. A state of parity would be a propitious time to seek an agreement. Moreover, there is not a lot more to be learned from testing at this time and, consequently, this would make a total ban more acceptable. On most occasions either the United States or the Soviet Union believes that it would be more to the advantage of the other party to have an agreement; this means that seldom do the two countries reach simultaneous judgments that a particular time to enter into an arms control accord would be beneficial. Weapons experts familiar with the development of nuclear weapons concede that no new breakthrough is expected in nuclear weapons design in the foreseeable future, but should no limit be placed on testing it may be predicted that weapons laboratory specialists will find some innovation worthy of a strong push for renewed testing. To take advantage of this plateau of development may be in the interests of both the Soviet Union and the United States.

A third reason to press for a comprehensive test ban agreement is the possibility that continued testing of large nuclear weapons will have a deleterious effect on the environment. The most serious aspect of this concern relates to the problem of underground tests triggering earthquakes. Studies in California over the past fifteen years revealed that underground tests detonated in areas of active earthquake activity, such as exists along the entire west coast of the United States, have stimulated small earthquakes. If the United States continues to test very large weapons, then the stimulation of earthquakes may be more intense, with the consequent danger of loss of life and damage to the environment. In the U.S.S.R. thus far most nuclear testing has occurred in areas of less seismic activity.

In addition to earthquakes another concern of environmentalists is the possibility of contamination of the water and earth surrounding test sites. Some of the underground tests of the United States and the Soviet Union have vented so that radioactive debris has been spewed into the atmosphere. There is a fear that water tables and the wildlife of the sea may be adversely affected if significant amounts of radioactivity escape through cracks in the earth caused by the tests.

When underground nuclear weapons tests vent and radioactive debris cross national boundaries, this is a technical violation of the limited Test Ban Treaty. Such technical violations occurred these past eight years on the too strenuously, much less to threaten cancellation of the treaty.

Another worry is that if large underground tests near the shores of oceans produce earthquakes, this may cause tidal waves. There is yet no evidence that such a misfortune has occurred from past tests, but this cannot be ruled out completely.

A fourth reason for mounting a campaign for serious U.S.-U.S.S.R. test ban negotiations is the belief that time is running out to prevent the proliferation of nuclear weapons to many other countries. Of the near-nuclear powers, only Canada and Sweden have ratified the Non-Proliferation Treaty which the Committee of the Disarmament Conference at Geneva, then eighteen nations, produced and submitted to states for ratification in 1968. Other near-nuclear powers, namely, the Federal Republic of Germany, India, Israel, and Japan, have various motivations for not wanting to renounce their right to produce nuclear weapons. Some believe that the major nuclear powers must first take more meaningful disarmament measures. Others are influenced by security problems within their own region. A comprehensive test ban treaty which would preclude any additional nuclear weapons testing, thus foreclosing further improvements in nuclear weapons design, would be an important demonstration that the nuclear powers at least may be serious in wanting to reduce their nuclear arsenals.

A new argument for halting tests, not previously heard with much intensity, emphasizes the financial costs involved. While nuclear testing is only one ingredient, a small one at that, in the arms budget, its elimination would allow funds for testing to be used for other projects receiving higher priority by the political process. In the eight years, fiscal 1964 through 1971, over $2.5 billion have been spent by the United States for nuclear weapons testing; the average is over $300 million spent annually. A nuclear test ban treaty by which the United States and the Soviet Union both give up testing would make possible a reallocation of most or all of these resources.

Of all the reasons why attention is now being focused on reaching a comprehensive test ban treaty none is second to the argument that advances in research in the detection and identification of underground nuclear tests in the past eight years have been remarkable. The problem of verifiction of a comprehensive treaty, therefore, no longer exists in any way germane to United States national security. There will probably always be a threshold beyond which some seismic events cannot be identified, and others not even detected, but for the purposes of safeguarding national security and compared to the benefits cited above to be won from a treaty, it is no longer important (if it ever was) to relay a treaty because a 100 per cent capability to detect and identify seismic events has not been achieved or because onsite inspection cannot be negotiated. Below there follows a discussion of what these advances in research show and why they make it possible, in the view of many knowledgeable persons, to have full confidence that the Soviet Union could not gain a significant military advantage by attempting to violate a comprehensive treaty in secret.

BACKGROUND CONSIDERATIONS

Nuclear weapons testing constituted the first step in the post World War II nuclear armaments race between the United States and the Soviet Union.

Early in 1946 the Navy asked Congress for authority to destroy ships in the first nuclear weapons test series. This authority was eventually granted but only after Congress demanded that the number of ships destroyed be reduced and, after considerable debate in both the House and Senate as to whether such an early resumption of nuclear weapons activity, following the dumping of nuclear bombs on Japan, would not be counterproductive for United States foreign policy objectives: to place the atomic bomb under international controls and make the United Nations the mechanism for building a lasting international security system. Senator J. Huffman from Ohio, a leading opponent of the test series, said to the Senate:

"This is no time for martial gestures. The proposed tests should be canceled until the cause of international cooperation for a firm and lasting peace has been given every opportunity to succeed. . . . The United Nations Organization is in its infancy. It is incongruous to its every purpose and aim for this Nation or any other nation to exhibit large-scale preparation for future wars, and it is unthinkable that the United States should even remotely indicate that she is preparing for an atomic war." [2]

In the House there was equal consternation but that body, by a lopsided vote of 313 to 25, decided to authorize the tests.

When the cold war seemed capable of thawing after Stalin's death, in 1954 nuclear testing became the focus for a first step agreement. That year, after the crew

of the Japanese fishing vessel, the Lucky Dragon, had unfortunately been unduly exposed to radioactive fallout from United States tests in the Pacific, India's Prime Minister Nehru raised the question of halting nuclear testing. The United States paid little heed to this demand. But as testing continued each year and as levels of radioactive fallout rose in many areas of the world, particularly in the United States, calls for an international agreement to halt testing intensified. Resolutions to this effect in the General Assembly of the United Nations were passed with increased frequency. The Soviet Union adopted the position that tests should stop, but refused to consider any means of verification of a test ban agreement that involved foreign inspection teams on Soviet territory. The United States, frightened by the secrecy surrounding all Soviet military activities, refused to consider any agreement that did not provide for inspection within the Soviet Union. These incompatible positions, characteristic of all U.S.-Soviet arms control and disarmament negotiations from 1946 to 1963, were to plague all international discussions of the test ban issue in their first several years.

In mid-1955 two developments occurred within the United States which were to have a positive impact on the quest for a nuclear test ban agreement. The first was the appointment by President Eisenhower of Harold Stassen as his Special Assistant for Disarmament. Mr. Stassen was determined to negotiate at least a first step arms control agreement with the Soviet Union and believed that a ban on nuclear tests was one of the areas (the other being withdrawal of troops from Central Europe) in which agreement might be possible. Shortly after the Stassen appointment the second important development took place; this was the creation by Senate resolution of a Special Senate Subcommittee on Disarmament, composed of members from the three key committees concerned with foreign and military policy—Foreign Relations, Armed Services, and the Joint Committee on Atomic Energy.[3] Senator Hubert Humphrey chaired the subcommittee, which represented the first significant and sustained Congressional interest in the subject of arms control since the end of World War II. This subcommittee took an active interest in all aspects of disarmament and arms control, and in 1958 decided to examine prospects for a nuclear test ban agreement as the most likely possibility for a breakthrough in the impasse suffered in United Nations disarmament negotiations.

With so much public attention focused on the need to stop nuclear testing, United States and Soviet leaders reacted finally in mid-1958 and agreed to hold a conference of nuclear experts to determine whether they could reach common ground on the question of the verification of nuclear weapons tests. The conference, attended by scientists from eight countries (four from NATO and four from Warsaw Pact countries), reached agreement.

Subsequently, diplomatic negotiations were entered into on the part of the United States, the Soviet Union, and the United Kingdom to write a treaty banning tests in the atmosphere, in outer space, under water, and underground. International verification that tests were not being conducted in any of these environments became the most important and controversial element in the negotiations. Verification of testing underground became the serious point of controversy, because tests underground emitted signals to the earth which, many scientists proclaimed, could not be differentiated from earthquakes. In these negotiations the United States insisted on the right to send an inspection team to the probable site of an underground event if the seismic signal was unclear. The Soviet Union resisted all such rights of inspection, claiming that a country would not cheat on the agreement and that in any case seismic instruments located in far off stations could discriminate between explosions and earthquakes. Finally, the Soviet Union agreed to accept up to three inspections a year. This was not sufficient for the United States, but after many months of negotiations, sometimes productive, sometimes vituperative, and sometimes abandoned, the Soviet Union in July 1963 accepted a proposal originally advanced by the United States to sign a limited test ban treaty, banning tests only in the atmosphere, under water, and in outer space, leaving underground tests to future negotiations.[4]

There were three aspects of the negotiations of this period having a significant bearing on current efforts to achieve a comprehensive test ban treaty. The first concerns the manner in which the negotiations began. Stemming from the nuclear experts conference of 1958, the negotiations were afflicted with a heavy emphasis on technical questions of verification. Although the participation of scientists helped to assure the success of the nuclear experts conference, and scientists played a key role in resolving many problems blocking agreement, the concentration on technical questions, especially in the public debate, tended to obscure the more important question of the relationship of a nuclear test ban agreement to national security. Many scientists themselves regretted that the evaluation of the net worth of a treaty did not rest primarily on whether the United States was better off, from a security point of view, to have a treaty banning tests which would not be technically perfect, than to have continued and unlimited nuclear testing in the world.

The second aspect of the negotiations was their accompaniment by a moratorium on all testing, which lasted from the fall of 1958 until the Soviets conducted a whole series of publicly acknowledged tests in early September 1961. Many who were hostile to the realization of a test ban agreement insisted during the period of the moratorium that the Soviet Union was testing nuclear weapons secretly. No significant evidence was produced, however, and the consensus was that in fact the Russians had abided by the moratorium.

President Kennedy, between the time of the signing of the test ban treaty in Moscow and the Senate vote to consent to ratification some two months later, conducted negotiations of his own within the United States government, both within the Executive branch and on Capitol Hill. These discussions essentially were to win support for the treaty from potentially hostile persons in the Defense Department and members of the Senate Armed Services Committee. The President agreed to adopt certain safeguards to assure that the United States would suffer no disadvantages under the treaty. These safeguards included the commitment to keep United States weapons laboratories in a constant state of readiness, to conduct an underground testing program for a variety of weapons purposes, and to take whatever steps were necessary to assure that the United States would not fall behind the Soviet Union in military technology. Unfortunately, the effect of the steps was to undercut in part one of the objectives of the treaty, namely, to slow down the nuclear arms race between the two nuclear giants.

Despite the difficulties in negotiating the limited Test Ban Treaty, on balance the treaty has had posiive results. Most nations continue to observe it; over 100 countries have ratified it; and most important, the decision by the Senate to consent to ratification by a vote of 77 to 19 resulted in a more positive outlook on the part of the Senate toward attempts by the U.S. Executive Branch to improve U.S.-U.S.S.R. relations. Few would have predicted how profoundly the Senate viewed its responsibility to vote the treaty up or down. It was judged to be the most important act of conciliation towards the Soviet Union since the end of World War II. More than one senior Senator declared it to be the most difficult vote in his long career in the Senate. None of the several subsequent steps to place constraints on the arms race produced so much soul-searching. Many other arms control measures were enacted, nevertheless, including the Non-Proliferation Treaty, the agreements not to place weapons of mass destruction in orbit or on the seabed, and the treaty prohibiting biological warfare. After the decision in 1963 these acts seemed less consequential. Serious preparations began by both countries for negotiations to limit strategic nuclear delivery systems. These SALT talks, commencing in late 1969, will probably lead to some agreement. New preparations are beginning for talks on limiting United States and Soviet troops in Central Europe and for a European Security Conference.[5]

SCIENTIFIC ASPECTS OF VERIFICATION

The issue of verification of arms control agreements arose out of the cold war and the extreme distrust with which the United States and the Soviet Union had viewed each other for so many years. In the United States the distrust originally manifested itself by political and military officials demanding that the Soviet Union accept the right of inspection as the major means to verify arms control agreements. In the Soviet Union the distrust manifested itself by its leaders rejecting any form of inspection on the territory of the U.S.S.R., on the ground that this was wanted for espionage purposes. In the late 1950s the Soviet Union indicated willingness to accept limited territorial inspection in an agreement to prevent surprise attack and up to three inspections a year in an agreement to ban nuclear weapons tests. These offers were not pursued by the United States.

The current official United States government position is that the right of on-site inspection should be included in any agreement which bans tests underground. Most non-governmental scientific and knowledgeable opinion, however, now rejects this view and instead reflects the view that developments in seismic detection and identification have progressed sufficiently to eliminate on-site inspection as a prerequisite to an agreement.[6] Given these divergencies it is important to review how seismic detection and identification are achieved and the extent of advances in research in this area.

Underground events (earthquakes and man-made explosions) release energy into the earth. Some of this energy is released in the form of body waves (called P waves, magnitude mb), which travel through the interior of the earth, and some of the energy from seismic events, which travels along the surface of the earth, are called surface waves (Ms). Both kinds of waves can be measured by appropriate seismic instruments. The magnitude of seismic events is measured on a numerical seismic scale. For example, a nuclear explosion equal to six kilotons detonated in granite generates signals (P waves) that measure 4.5 on the mb seismic scale. (In softer rock—tuff—an explosion would need to be about 12 kilotons to register 4.5 and in porous material—alluvium—a 4.5 magnitude would be equal to about 45 kilotons. Alluvium, however, tends to collapse and thus such an explosion could be detected by non-seismic means.)

Until a few years ago the principal way that earthquakes could be distinguished from explosions was to identify an earthquake by the reading of the direction of the first motion on a seismograph. Seismic stations located in all directions from the earthquake would have about half of its first

Footnotes at end of article.

motions register a direction away from the event and half register toward the event. This is so because an earthquake is considered to be a sliding of a fault in the earth. Explosions, on the other hand, would all have their directional first motions away from the event. Verification for an underground test ban agreement, therefore, had primarily consisted of identifying earthquakes, leaving the unidentified seismic events to be subject to inspection as possible underground nuclear tests.

Seismologists also devised other means by which many seismic events could be eliminated as earthquakes. These "diagnostic aids," as they are called, include the following: 1) the depth of the event; this can often be measured, though not always with precision, and when depth is established as being many miles beneath the earth's surface the event is fairly certain to be an earthquake; 2) location of the event; many earthquakes occur deep in the earth under water in the ocean and it would be extremely difficult to dig deeply into the ocean floor at great depths in order to conduct a clandestine test.

Despite these various means to identify earthquakes, verification still faced several problems. One of these was the background noise surrounding the usual seismic station; such noise, whether it came from the ocean pounding the beach, vehicles rumbling by a road, or machinery operating nearby, tended to make difficult a clear reading of the seismic signals as they were registered on graphs in the seismic station. This problem can be alleviated by placing seismic stations in strategically located quiet sites and by constructing sophisticated arrays of stations.

A second problem was the inability of the seismic instruments to pin-point the exact location of the event. Ascribing value to on-site inspection assumes not only that the instruments accurately located the event, but also that clear evidence—radioactive debris—of a test can in fact be found. The assuracy of location, however, could subject to an error of several miles; this would make any inspection team almost certain not to find evidence of a nuclear test. This problem can be alleviated if local seismic stations are installed in a way that permits regional variations in the earth to be pinpointed so that travel time can be calibrated accurately.

A third problem in verification stemmed not so much from the fallibility of seismic instruments but from the rugged terrain of many earthquake areas in the Soviet Union. Assuming most inspections would be nothing more than inspections of earthquakes, they would require inspection teams to visit and dig around in difficult mountain spots. On the Kamchatka Peninsula there are very few roads and it is in this area and in the surrounding sea that most earthquakes in the Soviet Union occur. It would be difficult to bring in equipment to implant a nuclear device in the soil or water of this area and even more difficult to bring in inspection equipment to determine whether a device had been detonated.

Another verification problem was seen by some to lie in the possibility of muffling the energy from an explosion so that no strong seismic signals would be transmitted. This has been calculated to be theoretically feasible and some very small conventional (and one nuclear) explosions have shown that the signals can be muffled. Where this can be done effectively with large explosions remains in doubt. Of further dubiousness is the unlikelihood of any power digging deeply without having this revealed through various methods of intelligence such as satellite detection. Another theoretical method of cheating would be to detonate a nuclear test simultaneously with an earthquake with the expectation that the seismic signals from the latter would obscure those from the former. This has never been tried and there remains the doubt that it is of practical concern, since waiting an undetermined period of time for an earthquake of a specific size to occur, with all equipment and personnel poised to set off a nuclear test, hardly seems an effective technique to advance military security.

As a result of intensive research over the past eight years, scientists have essentially solved the difficult problem of positively being able to identify explosions as explosions. The large scale seismic research program undertaken by the United States Government, called *Project Vela*, and the research programs of other governments and private scholars and groups, produced major improvements in the capability to detect and identify seismic events. The most important advance is that explosions have now been found to have different seismic characteristics from earthquakes, especially in their extremely weak surface waves (M_s). When surface waves versus body waves are plotted, earthquakes and explosions can be separated from each other. Thus, with sophisticated instruments installed, any seismic event as small as the equivalent of 5 to 10 kilotons of explosive power detonated in hard rock can be identified by instruments located thousands of miles from the event. This is the position of a Canadian working paper presented to the Geneva Disarmament Conference and supported by prominent United States seismologists, including James N. Brune, Professor of Geophysics at the University of California.[7] Even if available improvements in seismic instruments were not made, the estimate of the current capability is 10 to 20 kilotons. Dr. Brune's summary of the advances in detection and identification of seismic events, presented to the Senate Foreign Relations Subcommittee on Arms Control, International Law and Organization on 23 July 1971, is as follows:

"Discrimination between earthquakes and explosions is possible because the seismic waves generated by underground explosions and earthquakes are fundamentally different at all levels in simple and obvious ways. One of the important results of seismic studies in the last 10 years has been to reaffirm this result with great certainty. Although there is a wide variety of diagnostic aids which can be used to discriminate earthquakes from explosions, the main criterion used at present is the M versus m_b criterion, that is, the relative excitation of long period (12–40 sec.) surface waves (M_s) and short-period (½-2 sec.) body waves (m_b). A plot of M_s versus m_b separates earthquakes from explosions, earthquakes generating relatively greater amplitude surface waves. In addition, diagnostic aids such as depth determination, first motion, complexity, surface wave spectra, Love wave excitation and event location, when combined, provide powerful additional discrimination tools. There is no problem of detection and discrimination for large underground tests and a treaty banning such tests could easily be monitored. I agree with the recent Canadian statement at the Conference of the Committee on Disarmament in Geneva indicating that discrimination in Eurasia could be implemented at 5-10 kilotons in the near future.[8]"

The weight of evidence submitted by knowledgeable seismologists demonstrates that the United States could use national means to verify a test ban treaty which banned all underground tests. Those few seismic events not identified would not have any appreciable effects on our national security. This is so because, as the following section will show, most testing in the past has covered tests of larger sizes. (10 kilotons and above), ones that can be identified; those in the smaller range, if conducted successfully in secret by the Soviet Union, would not have any profound effect on the U.S.-U.S.S.R. strategic nuclear balance.

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Another reason it is unlikely that the Soviets could gain an important military advantage over the United States by attempting to test in secret is because most nuclear weapons development requires many tests before the technology can be utilized in the production of weapons. Hence the Assistant to the Secretary of Defense for Atomic Energy testified to the Senate that—

"The development program for a nuclear warhead generally takes three or more years if the design is based upon a relatively well known technology. During this period as many as twenty to thirty underground nuclear tests may take place.[9]"

MILITARY NEEDS

To assess how important nuclear testing is to current requirements for military security is a difficult and subjective task. Similarly, there is no ready and obvious answer to the question, how much curtailment of the arms race would a comprehensive test ban treaty achieve? Data supplied by the United States Department of Defense and the Atomic Energy Commission appear in generalities in public statements. Even the detailed questioning of Executive branch witnesses by members of Congress, while more enlightening than official reports, still leaves considerable doubt about the true state of affairs concerning the relationship of nuclear testing to military objectives and strategies.

For the foreseeable future it is not essential for United States military security to continue testing nuclear weapons. In short, nuclear weapons development, while not insignificant in some areas, by and large is not expected to contribute in any substantial degree to the total arsenal of nuclear weapons. The important changes in weaponry that have occurred should be noted, however, because they do show that stopping the tests even at this late date may still have a positive impact on limiting the arms race, not only in nuclear ammunition (warheads and bombs) but also in strategic delivery vehicles.

According to the Department of Defense, 91 per cent of the 234 tests conducted to date were concerned with military needs and 9 per cent were related to peaceful uses of nuclear explosions.[10] Of the tests for military purposes, 65 per cent were for weapons development, 16 per cent were validation tests (whether the weapons in the stockpile were still effective), 9 per cent were for weapons effects (on the environment, property, other weapons, and people), 5 per cent for combined weapons development and validation, and 5 per cent for combined weapons effects and validation. Those in charge of the testing program stress predominantly the need for continued development of weapons, and to a much lesser degree the need to check weapons in the stockpile or to ascertain how weapons might behave when used in actual warfare.

As to the mission of the weapons tested, the overwhelming preference has been for the testing of warheads for offensive and defensive strategic weapons, such as the ABM Spartan and Sprint missiles and the MIRV vehicles for the Poseidon and Minuteman III offensive missiles. The Department of Defense said: "These warheads could not have been developed without testing, both in regard to the size, shape and yield of the warheads and in regard to their hardness levels."[11] Eighty-nine per cent of the nuclear weapons tests were concerned either exclusively with strategic weapons (67 per cent) or with strategic and tactical combined (22 per cent). Only eleven per cent of the tests were concerned with the small, tactical nuclear weapons. The proportion of tests allocated to these various purposes has not changed in the past eight years.[12]

Many would prefer to have had these weapons developments prevented on the part of both the United States and the Soviet Union,

and a comprehensive test ban probably could have foreclosed them because these large tests, several hundred kilotons to several megatons of explosive power, are not ones which would remain unidentified by the seismic stations now installed. Some weapons experts, however, believe that the ABM and MIRV warheads could probably have been developed from weapons designs already tested, produced, and stored in the stockpile. Although such warheads might not have been as efficient (in that they might have been heavier and perhaps some of their materials might not have been as effective), they nevertheless could have been developed. These experts also believe that new weapons on the drawing boards could use warheads already developed and placed in the stockpile. A treaty which entered into force in 1973 or 1974 could allow timely conclusion of ongoing programs.

Defense Department officials emphasize that, of the 25 basic models of nuclear weapons now in the United States stockpile, about 15 have received validation tests; in other words, tests to determine that the weapons are still effective. They emphasize this is an important aspect of testing, although they acknowledge that most validation takes place through tests done in the laboratory. In fact, the assistant to the Secretary of Defense for Atomic Energy has said that nuclear testing "has been rarely if at all used" to discover defects in weapons in the stockpile.[13] Validation tests of nuclear assemblies are not conducted after a warhead has entered stockpile unless such tests are deemed necessary to determine performance degradation which is suspected because of evidence obtained in the stockpile sampling program or to demonstrate that defects have been satisfactorily corrected. Other experts, moreover, point out that of all the aspects of nuclear weapons, the warhead is probably the most reliable and that validation tests for other components, such as degradation of the fuel system, ignition system, guidance system, accuracy, or hardening, are more important. Aging effects of nuclear weapons are not discovered by nuclear tests. If they are found by other means, they can always be corrected by replacement with a newly fabricated weapon without additional nuclear tests.

In discussing possible needs for testing in the future, Defense Department spokesmen cite the following goals:

"The goals of the United States nuclear weapons program are: (a) to develop new warheads to meet established Defense Department requirements; (b) to identify new options to meet new military circumstances; (c) to contribute to a continuous advance in nuclear weapon technology; (d) to contribute to the maintenance of a viable weapons stockpile; (e) to aid in understanding the effects of nuclear detonations; and (f) to assist in the evaluation of the threat from other nations' capabilities. These goals are achieved by means of a vigorous program which includes theoretical design, laboratory testing, and nuclear testing in the field.[14]

Specifically they mention such areas as missile design, improving the yield to weight ratio, production of low fission weapons, and weapons with a smaller diameter as being of interest to a nuclear test program within the next five years. With respect to the yield to weight ratio most expert opinion appears to think that this has been extended almost to its outer limit and further major improvements are not likely. With respect to the need for low fission weapons and those with a smaller diameter, the proponents of an agreement point out that these are weapons in the tactical category which have not been of much interest to those making decisions about the kinds of tests to hold. Moreover, some would suggest that any further improvements in tactical weapons should be foreclosed, if possible, so that these weapons would not become easily available to other nations as well as the United States and the Soviet Union.

Some in the Defense Department take the view that nuclear testing is more important to the United States than to the Soviet Union, and thus the United States would suffer more if a comprehensive treaty were negotiated. They reason that the Soviets developed their basic strategic warhead designs before 1963 and that the Soviets have not been as elaborate or as sophisticated as the United States in their testing programs. This contention no doubt is at least partially true, but this is not different from the comparison of the United States and Soviet weapons programs in other fields. With the apparent greater affluence of the United States, we have tended to expend more funds and resources on diversifying our weapons designs. With fewer designs, the Soviets presumably would have greater uncertainty than the Americans about both the reliability of weapons in the stockpile and their effects once used in a real environment. To say that because of greater affluence and sophistication the United States must continue to test nuclear weapons at a more rapid pace than the Russians is making a questionable judgment both about military needs and the use of the nation's total resources. The opposite argument could also be mentioned—the U.S.S.R. could at some future time by testing make greater strides if they are indeed behind.

A consideration that should be discussed at this point is what relationship if any, China's continued testing of nuclear weapons would have to a comprehensive test ban treaty. The answer lies primarily in the fact that the United States (and to a lesser extent the Soviet Union) has conducted several hundred tests over the past twenty-five years and its technology is so far ahead of China that there is virtually no possibility that continued Chinese testing could overtake U.S.-Soviet capabilities in strategic and tactical nuclear weapons. This situation is likely to be the case for at least a dozen years. Some day, if China continued to refuse to sign an agreement to stop testing, one or both of the nuclear powers may feel compelled to use the escape clause provided in the limited Test Ban Treaty, or in a comprehensive test ban, to opt out of the treaty. Since that time is not likely to come soon, this should not be a hindrance to the completion of an agreement at the present time. Furthermore, a comprehensive test ban would make it more difficult politically for the Chinese to engage in continuous testing than does the current situation with the United States and Soviet tests continuing. Such a treaty adopted by the United States, the Soviet Union, the United Kingdom, and many other nations would mean that world political pressure and public opinion opposed to nuclear testing would focus on China and France and any other powers continuing to test. Finally, any improvement in the relations among the major powers, especially manifested by further arms control agreements, should also have a beneficial influence on persuading the Chinese to be more sympathetic to curtailing their nuclear weapons program, including testing.

Before leaving the discussion of nuclear weapons and testing, it is necessary to relate it specifically to the United States-Soviet SALT negotiations to achieve agreement to limit strategic nuclear delivery vehicles. The SALT talks, now in their third year, move closer to agreement, with the most likely outcome an agreement to limit the number of ABMs to be deployed to protect cities or missile sites. There is less of a chance that an agreement will limit quantitatively the number of land-based offensive missiles (ICBM's). It is also likely that one of the provisions of a SALT agreement may be that if one side substantially improved its offensive capabilities this would constitute grounds for the other side withdrawing from the agreement. Such a provision obviously is intended to help stabilize the deterrent capabilities of the two large nuclear powers. In this context a comprehensive test ban treaty becomes an important sequel to a successful SALT agreement, since the main purpose of nuclear testing has been the improvement in strategic nuclear weapons development. An agreement to stop testing would be an incentive to take additional steps at SALT so as to stabilize at lower levels the military balance as now developed by both nuclear powers.

THE PLOWSHARE PROGRAM—PEACEFUL TESTS

A growing problem in the realization of a comprehensive test ban treaty is the interest of some non-nuclear and nuclear powers in using nuclear explosives for peaceful purposes. Of the 234 nuclear tests by the United States since 1963, 21 have been primarily adapted for the peaceful uses program, called Plowshare. Some of the Soviet tests have also been of this type. The possibility that such tests might some day have a utility for mining, digging tunnels, and otherwise exploring the resources of the earth for the benefit of man has whetted the appetite of some developing countries, particularly India and Brazil. In fact, such powers as these argue that they are not so much concerned with becoming nuclear weapons powers as they are with achieving a nuclear capability for peaceful uses.

The trouble with the Plowshare type programs is that it is virtually impossible in a nuclear explosion to determine whether it is for peaceful or weapons purposes. A country could and probably would develop a significant nuclear weapons capability under the guise of detonating nuclear explosions for a specific domestic project of non-military dimensions.

A number of solutions have been proposed to the Plowshare problem. One would be to ban peaceful as well as weapons explosions for a specific period of time. Many sophisticated and knowledgeable scientists believe that as yet the benefits from peaceful nuclear explosions do not outweigh the social costs involved, for example, potential harm to the environment through the escape of radioactive debris from these events. Most objectives to be achieved by nuclear explosions can be achieved by conventional explosions or other methods. When scientists compare the gains from peaceful nuclear explosions to their disadvantages arising out of potential harm to the environment and the complications they cause to the achievement of a comprehensive test ban treaty, many tend to favor forgoing the peaceful explosions. This would be especially so if a simple comprehensive test ban treaty without on-site inspection could be realized in the near future.

Should other countries persist in their demand for peaceful explosions, the considered next best alternative would be to have all peaceful explosions conducted or monitored by the International Atomic Energy Agency. This would be a complicated feat to execute but it could eventually be done. A treaty might contain provisions for a monitoring function to be worked out by the IAEA and this would allow the treaty to be consummated without delay while details for conducting peaceful explosions are worked out by the parties concerned. In any case peaceful explosions should not be allowed to postpone achievement of a comprehensive test ban.

INTERNATIONAL AND NATIONAL POLITICS OF NUCLEAR TEST BAN NEGOTIATIONS

While professing support for a comprehensive test ban treaty, the United States maintains that despite the many advances in seis-

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mic research to detect and identify explosions down to small sizes, a treaty must still contain the right of on-site inspection. It has maintained this right knowing that the conduct of an inspection on Soviet soil would be extremely difficult, costly, and would not have a high probability of success. The United States position, which has not changed in principle on this point since it was first enunciated in the mid-1950s, has continued without apparent regard for the fact that nuclear weapons development does not promise to advance much through further testing. Between 1963 and 1972, the United States executive branch apparently undertook no initiatives to review its position.[15]

Although many senior officials who formerly served in the Eisenhower, Kennedy, and Johnson Administrations have openly advocated a comprehensive test ban treaty without on-site inspection, the entrenched positions of members of the government's scientific and military bureaucracy continue to dominate arms control policy in this area. No other explanation seems plausible when it appears clear that all of the top policy makers in the arms control area, as well as science and defense advisers to former Presidents believe that a comprehensive test ban treaty without on-site inspection would be more in the security interests of the United States than continued unlimited underground testing.

The Advanced Research Project Agency (ARPA), supported by the Department of Defense, recently took the unusual step of altering the conclusions of a group of scientists which met in July 1970, at Woods Hole to consider recent advances in seismic detection and identification capabilities. ARPA evidently disagreed with the optimistic views of the scientists. The second summary issued by ARPA was objected to by these participating scientists as not representing their point of view as expressed in the original report. One of the scientists attending the conference, who has been mentioned earlier, James Brune, stated to the Senate: "I think the second summary emphasizes the difficulties . . . which might be encountered and tends to sort of negate the optimism which I felt definitely existed at the meeting."[16]

Within the Congress, at least a fifth of the Senate membership has taken positive stands on behalf of a comprehensive treaty. Subcommittees of both the Senate Foreign Relations Committee and the Joint Committee on Atomic Energy have held hearings during the past year. In the House there has not traditionally been much activity concerning a test ban agreement except for occasional speeches by members with special interests in the field, or by those who work closely with constituent groups with such interests.

The Congress is sensitive to the opinion and activity of private groups, however, and reacts also when it becomes aware of important developments and controversies within the Executive branch. Hence, as public efforts grow to achieve a test ban treaty, and as international pressures activate policy discussions within the Executive branch, Congress can be expected to expand its participation in the exploration of the conditions necessary for an agreement. A number of public organizations also have increased their efforts to stimulate support for an agreement. They include the Task Force for the Nuclear Test Ban, the Council for a Livable World, the Federation of American Scientists, the Committee for Nuclear Responsibility, the Coalition on National Priorities and Military Policy, and Americans for Democratic Action.

Late in 1970 and early 1971 members of Congress in both the Senate and the House issued statements and introduced, or indicated they planned to introduce, resolutions which would call for immediate negotiations between the United States and the Soviet Union to reach agreement on a comprenensive test ban treaty. Senator Edmund Muskie in November 1971 advocated a comprehensive test ban treaty. Senator Edward Kennedy submitted a resolution in January 1972, and Representative Bella Abzug in December 1971 introduced a resolution with basically the same intent but somewhat different language and provisions. Other senators and congressmen indicated that they too would be introducing similar resolutions.[17] This activity apparently stimulated the Executive branch to review the government's position.

Groups in opposition to a comprehensive test ban treaty have not been active in recent years because the United States Government has taken no tangible step to demonstrate it has an interest in pressing the Soviet Union to negotiate for such an agreement. Presumably some opposition would be organized by groups close to the government's military and scientific weapons' establishments if international negotiations took on a serious complexion. One such potential group, active in the past, is the American Security Council.

Internationally, pressures for a comprehensive test ban treaty without onsite inspection have grown, particularly in the past three years. Canada, Japan, Sweden, Egypt, and Brazil, all nations represented at the Geneva disarmament conference, have placed major emphasis on the need to negotiate a treaty in the near future. None of these countries sympathize with the position that on-site inspection is necessary. Some have proposed alternative means to satisfy questions of verification. One alternative, proposed by Sweden, is to permit a challenge to a country to explain the nature of an unidentified seismic event. If the explanation is not acceptable, then the inquiring country may seek relief from the constraints of the treaty.

Other countries, such as India and Israel, have not been active on behalf of a comprehensive treaty, no doubt largely because of their interest in preparing to develop nuclear explosions for peaceful or weapons purposes. United Nations members, however, overwhelmingly went on record at the 1970 session of the General Assembly by voting 112 to 0 (one abstention) to urge the nuclear powers to extend the limited Test Ban Treaty to underground tests at the earliest possible date. The resolution did not specify a judgment about the need for on-site inspection. Another resolution, which passed the United Nations General Assembly at its 1971 session by a vote of 91 for, 2 against (China and Albania), and 21 abstentions, called on all governments to adhere to the limited Test Ban Treaty and on those governments conducting nuclear weapons tests immediately to undertake measures to suspend tests or limit or reduce the size of their tests pending the completion of a comprehensive test ban.[18]

The official position of the Soviet Union remains in favor of a treaty but without onsite inspection. The U.S.S.R., like the United States, has not taken any initiative since 1963 to press for a treaty. It too has been testing underground at a much greater pace since 1963. Much of its tests, according to United States analysts, have been concerned with warheads for strategic defensive and offensive nuclear delivery vehicles.

Nuclear powers, other than the United States, the Soviet Union, and the United Kingdom, have not supported any limitation on nuclear testing in the absence of a comprehensive disarmament agreement. The Chinese presumably will continue to test nuclear weapons until they feel secure relative to the military capabilities of the United States and the U.S.S.R. France does not consider itself in a race with the two large nuclear powers, but does not view a test ban agreement as contributing anything substantial to improving the prospects for peace and removing the threat of war.

The main international private thrust for a comprehensive treaty stems from the annual conferences of the Pugwash Movement, the Conference of Scientists on World Affairs. These annual week-long meetings, held under the auspices of the Academy of Science of several countries, often include scientists who are close to establishment thinking on national security problems. Despite the official reluctance of the United States and the Soviet Union to show movement toward negotiating a comprehensive treaty, Pugwash scientists consistently advocate such a step. The latest statement, issued by the Pugwash Committee following the 21st conference at Sinaia, Romania, 26–31 August 1971, is as follows:

"Preventing further vertical and horizontal proliferation of nuclear weapons remains extremely important, and the achievement of a Comprehensive Test Ban Treaty will make a major contribution to that end. Fortunately, progress in the development of the means for detecting possible violations has effectively removed the obstacles which once blocked the achievement of such a treaty. These means include not only seismic methods for detection and identification of nuclear explosions but also satellites and other unilateral means for collecting information. The combination of all these techniques now makes it practically impossible to conduct meaningful nuclear testing without detection.

"In the process of preparation and putting into effect of such a treaty, it is most important to include at an early stage all the nuclear nations; it is also important to involve other nations, especially those that have the capability of becoming nuclear powers in the near future.

"In this connection the problem of so-called Peaceful Nuclear Explosions was also discussed. The conclusions reached at the last Pugwash Conference were re-affirmed: "Excessive claims have been made regarding the importance of nuclear explosions for peaceful purposes. Whatever short term economic advantage there may be in the use of such explosions is likely to be more than offset by the risks of nuclear proliferation implicit in such explosions."[19]

WHAT WOULD A TREATY LOOK LIKE?

A simple way of negotiating a comprehensive test ban treaty would be to amend the limited treaty of 1963. This could be done by removing all phrases describing the limited treaty and inserting the word "comprehensive" wherever applicable. A less simple way would be to draft a new treaty which would acknowledge the existence of the 1963 treaty and would then indicate that tests underground were also prohibited. A new treaty could also contain clauses specifying that verification would be by national means and that if the supreme interests of a party were jeopardized by its adherence to the treaty, that party by giving three months notice could exercise its sovereignty and withdraw its ratification.

There is a slight possibility that provision for right of request for explanation of a suspicious seismic event might be acceptable to both the United States and the Soviet Union as a means of bridging the different views about verification. Neither party, however, has expressed support for such an approach and thus its eventual inclusion in a treaty remains doubtful.

Subsequent to the passage of the 1963 limited Test Ban Treaty, some countries, such as Egypt and Japan, proposed the concept of a threshold treaty whereby tests down to a given size, as measured on a seismic scale, would be banned. The threshold would be set by the consensus about what size tests

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could definitely be identified. Tests below the threshold would either be allowed or would be banned for a specific period pending the results of further research and experimentation. The proposal was never discussed at any length at the disarmament talks after 1963. This may reflect the general reluctance of the United States and the Soviet Union to open any negotiations on the subject of a comprehensive test ban, or it may reflect a view that a threshold treaty might be too complicated to live with, given the constant possibility that seismic measuring devices may not always clearly measure the size of an event and thus unambiguously determine whether it was above or below the threshold established. In view of improvements in seismic capability this no longer appears an interesting approach.

RISKS VERSUS BENEFITS

Ultimately, the assessment of whether a major drive should be made to negotiate a comprehensive test ban treaty rests on weighing the risks inherent in a treaty, especially one which uses national means for verification and does not require the right of on-site inspection, versus the benefits of stopping all tests by the United States, the Soviet Union and possibly other powers. Moreover, any weighing of these factors assumes certain judgments about the primary objective of United States national security policy.

A major benefit of a comprehensive test ban is clearly that it would provide a significant curtailment of the nuclear arms race between the United States and the Soviet Union. It would take the two countries a small step nearer the long-range goal of a world in which military means do not constitute the principal means a nation chooses to defend its interests. Not only would a comprehensive test ban realize this objective, it would also satisfy in part the objective of United States national security policy of achieving greater military stability between the two powers; if unlimited nuclear testing is allowed there is always the possibility that stability will be upset and the arms race would again increase in intensity.

Alongside the benefit of contributing to curtailment of the arms race in nuclear warhead designs and greater stability, a comprehensive test ban would also help to reinforce an agreement arising out of the SALT talks. If these talks produce a limitation on deployment of anti-ballistic missiles and even if no action is taken limiting the deployment of offensive weapons, a comprehensive test ban would be an obvious next step. Since the major need for nuclear testing has been in the area of strategic nuclear weapons development, a ban on testing, by preventing this aspect of the strategic balance from being disturbed, would help to assure the continued observance of a SALT agreement. New warheads for offensive weapons would not be needed if no or only a weak ABM system existed.

A comprehensive test ban would have the benefit of encouraging greater adherence by non-nuclear nations to the principle of not proliferating nuclear weapons. Such nations, even if they did not sign the non-proliferation agreement, would not likely become nuclear powers if they signed a comprehensive test ban and therefore agreed to forgo nuclear testing. Many nations, such as India, Japan, and Brazil, would be much more likely to accept a comprehensive test ban than the non-proliferation treaty because the former is non-discriminatory, while the latter discriminates against them. In a comprehensive test ban all powers would be treated alike under the substantive terms of the treaty.

Other benefits stemming from a comprehensive test ban would include a further step in the growing detente between the United States and the Soviet Union, a savings of many millions of dollars of expenditures on the part of the two countries, and the removal of potential dangers to the environment.

Finally, it would be an added impetus to reaching arms control and disarmament measures. A comprehensive test ban has been a major concern of the Twenty-five Nation Conference of the Committee on Disarmament.[20] The achievement of a comprehensive test ban would raise the issue of future priorities for the Committee. Control and reduction of conventional weapons, regional disarmament measures, control of the trade and traffic in armaments, reductions in strategic and tactical nuclear delivery vehicles and warheads, reductions in the armed forces of states, and cutbacks in military budgets are some of the measures awaiting serious negotiation. A comprehensive test ban would contribute to the momentum of continued concentrated negotiation for the objectives of disarmament and arms control.

Against the above benefits the risks must be considered. The most important risk is that the United States, as well as the Soviet Union, would have to forgo improvements in nuclear weapons development and thus be denied continued upward thrust of its reliance on nuclear weapons for military security. A lesser risk is that some uncertainty may grow about the effectiveness of weapons in the stockpile; although testing has not been used in the past to discover a weapons defect, tests have been used to verify that a defect discovered in the course of examination by other means was corrected. Under a comprehensive test ban only those corrections can be made which need not be verified through testing. Any such restriction would apply equally to the Soviet Union and in fact might present it with greater problems than it would the United States.

There is also he risk that the Soviet Union might try to violate the agreement by testing successfully without being caught. The Soviets, it is argued, might realize some significant gains in weapons development in areas not limited by a SALT agreement, some information about correction of defects in its stockpile, and information about weapons effects. The question here is how much can be learned through the testing of a single device or a series of tests of very low yield. This is about the extent of what the Soviets could possibly accomplish. A large series of tests of moderate to high yield would surely be detected. According to testimony of the United States Defense Department as many as twenty or thirty tests are used in the development of a new weapon even when the technology is fairly well known; there is serious doubt, therefore, about the severity of this risk.

There is the risk that China may, through its continued weapons development programs, eventually pose a threat to the United States. This risk too appears minimal since any comprehensive test ban would no doubt contain a clause, similar to that in the limited Test Ban Treaty, to the effect that events which jeopardized the supreme interests of the nation would be cause for abrogation of the treaty. A continued watchfulness of China's nuclear weapons development should assure that no surprises could take place to injure the military security of the United States.

Finally, there is claimed by weapons scientists the risk that a comprehensive test ban would require the dismantlement of weapons laboratories with the most talented scientists leaving the nuclear weapons field for more fruitful work elsewhere. They do not think that the Soviet Union would face comparable difficulties since its scientists could be "forced" to work in weapons laboratories. Two points need to be cited about this risk. The first is that in the 1958–61 period when there was a moratorium on testing, the laboratories did not suffer. Therefore, any deterioration in maintaining quality work in the laboratories probably would not occur immediately; in fact the laboratories have many other functions to perform. After a period of three years there would be some assessment as to whether the benefits of the treaty continued to outweigh the risks. Second, it is becoming increasingly difficult for Soviet leaders to compel Soviet citizens to perform work which they do not want to perform. Soviet scientists are not immune to the influences of the outside world and Soviet society is not nearly so monolithic as it once might have been with regard to attitudes toward the United States and the need for cooperation and coexistence.

On balance the benefits eclipse the risks when the totality of the former are weighed against the totality of the latter. It is only after a total view of the issue is taken that a judgment can be rendered which considers national security in a comprehensive framework. Whether governments can be persuaded to revive the comprehensive test ban in a serious manner probably depends to a large extent on whether public, legislative, and international pressures increase.

FOOTNOTES

[1] See *The New York Times*, 7 December 1971. See also State of the World message, *The New York Times*, 10 February 1972.

[2] *Congressional Record*, Vol. 92, 29 March 1946, p. 2790.

[3] Senate Res. 93, 84th Congress, 1st Session, 25 July 1955.

[4] See John P. de Gara. "Nuclear Proliferation and Security," *International Conciliation*, No. 578 (May 1970).

[5] See pp. 39–58.

[6] See, *for example*, statement of Dr. Jerome Wiesner and testimony of Professors Frank Long, Bernard Feld, and James Brune in *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings*, U.S. Congress, Senate Committee on Foreign Relations, Subcommittee on Arms Control, International Law and Organization, 92nd Congress, First Session, 22 and 23 July 1971.

[7] The Canadian paper is Document 327 of the Conference of the Committee on Disarmament entitled "Working Paper on the Seismological Detection and Identification of Underground Nuclear Explosions."

[8] During the same hearings the U.S. Defense Department spokesman, Dr. Carl Walske, indicated that under optimistic assumptions only two or three events per year each in the Soviet Union and China above the equivalent of six kilotons would go unidentified; above 1½ kilotons, the number of unidentified events would be about 25 in the U.S.S.R. *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings, (Op cit.)* p. 119.

[9] *Ibid.*, p. 129. It is possibly true that U.S. weapons are more sophisticated than their Russian counterparts, but, nevertheless, the Soviet Union also would have to conduct several tests in developing new technology, though not of the order of the number of U.S. tests.

[10] *Ibid.*, p. 130.

[11] *Ibid.*, p. 131.

[12] *Ibid.*, p. 130.

[13] *Ibid.*, pp. 107, 129.

[14] *Ibid.*, p. 130.

[15] *Ibid.*, Testimony of Philip J. Farley, Deputy Director of the U.S. Arms Control and Disarmament Agency, p. 16. He said: "In view of the situation which has prevailed in international negotiations since Geneva, we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven. I think it was in 1963." Late in February 1972, however, news reports suggested that some Executive branch consideration had been initiated. See for example, *Washington Post*, 4 Feb. 1972.

[16] *Ibid.*, p. 146.

[17] On 2 March (as this publication went to press,) Senators Philip A. Hart and Charles

Mathias introduced a bipartisan resolution supporting a comprehensive test ban treaty using national means for verification.

[18] General Assembly Res. 2828 C (XXVI), 16 Dec. 1971.

[19] The last paragraph is especially important representing as it does a consensus of knowledgeable American, Soviet, Indian, European, and other scientists that uncontrolled peaceful nuclear explosions represent a threat to curtailing nuclear weapons proliferation.

[20] This committee resulted from several months of United States-Soviet Union negotiations in 1961. The negotiations produced a Joint Statement of Agreed Principles for Disarmament Negotiations to guide the two countries in their conduct of future disarmament negotiations. One of these principles specified that the two sides would continue to negotiate until a complete and comprehensive disarmament agreement was achieved.

NATIONAL TRANSPORTATION WEEK AND NATIONAL DEFENSE TRANSPORTATION DAY

Mr. ALLOTT. Mr. President, I am pleased on behalf of the State of Colorado to invite the attention of the Senate to the observance of May 14–20, 1972, as National Transportation Week, and of May 19 as National Defense Transportation Day.

The observance of this occasion should serve to remind us all of the tremendous impact of transportation on our economy and our way of life. Nearly one-fifth of this Nation's gross national product is spent on transportation or transportation-related industries and nearly 10 million persons earn a livelihood in these same industries.

As a nation grown accustomed to automation, we take for granted the ease of traveling and the variety of modes available for the shipment of goods.

In grateful appreciation of the hard-working and devoted servants of the transportation industry, I salute National Transportation Week. And, to acknowledge one outstanding group which has greatly contributed to the cause of transportation in the West, I salute the Traffic Club of Denver, Inc.

GOV. GEORGE WALLACE

Mr. HUMPHREY. Mr. President, the shooting of Governor Wallace yesterday was shocking, senseless, and tragic. With other Americans, Mrs. Humphrey and I pray for his speedy and total recovery. Violence of this kind—no matter how isolated and no matter how few may be involved—can only deepen the divisions in American life at a time when we desperately need reconciliation, understanding, and peace.

Reinhold Niebuhr, one of America's major theologians and political philosophers, in his book, "The Children of Light and the Children of Darkness," provided valuable counsel for the present moment when he wrote:

> Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.

I summon the courage of the people of this great democracy to follow the course of reasoned, forthright debate, and full and open communication, as a united people, in addressing the problems of today and the goals for the future in America, rather than to permit this debate to be thwarted by a descent into violence and disorder.

The cry across our land today is a call for peace—an end to war; a halt to domestic discord and violence. That call must be answered without further delay if the United States is to resume its leadership in the search for international peace, and if our citizens are to come together again as one people.

It is this sense of a unified purpose in our Nation for which we are really striving. The Hebrew word "shalom" does not define peace as simply the absence of violence.

Shalom defines a life that is whole, where man is no longer divided in his heart and will against himself. Rather, he is totally committed to achieving a better quality of life as judged in the vision of God. And it is this peace—this unity, this life of decency, respect, kindness, and nobility—that we must establish in our society.

We must come to see that our security is threatened more immediately and more directly by the forces of hate and bigotry and injustice and violence that are loose within our own borders, than by any force outside this Nation.

Now, as in the time of this Nation's birth, we must once again resort to the difficult ways of civilized and rational men—never equivocating in our determination to press toward our national goals and purpose, but always having a decent respect for the opinions of others, keeping a firm grip on democratic principles and liberties, and always with an unclouded view of America's future.

The winds of change, which are everywhere about us, must be directed to constructive purposes—not through violence—not through hate—not through bitterness—not through passion; but through debate and peaceful dissent—through dialog and discussion—until decision and direction are achieved.

Let us now rededicate ourselves to the reconciliation of our people, the reconstruction of our communities and our Nation, and the reaffirmation of the ideals that have been the true greatness of America.

THE PHENOMENAL ISAAC HAYES

Mr. BROOKE. Mr. President, I do not know how many Members of this body are familiar with "Hot Buttered Soul." I do not know how many Senators have ever heard an 18-minute rendition of "By the Time I Get to Phoenix," or how many have ever heard the music from the movie "Shaft."

But these are among the most vital cultural phenomena of our times, and they are the product of one single, creative mind—the mind of Isaac Hayes, a sharecropper's son.

Isaac Hayes, at age 28, has moved from the cottonfields to the concert halls on nothing more than ingrained native ability. He has had no formal musical training—in fact he composes his music by humming it into a tape recorder. But he sings, he plays, he composes, he performs. And he shares his talents with millions of Americans, making their loads a little lighter and their lives a little brighter by the warmth and spiritual quality of his music.

Three of his albums have received platinum records for reaching the $2 million sales mark. He has received Grammy awards, and lately received an Oscar for the music he composed for "Shaft." He has been recognized by the Memphis City Council for "outstanding contributions to the community."

Isaac Hayes has also made other contributions of a different kind: He shares his new-found wealth with those less fortunate. His share of the proceeds from a recent concert with the Memphis Symphony were donated to a home for the elderly. He has made free appearances at prisons, and donated scholarship funds for less fortunate black students. The Hayes Foundation, a nonprofit, tax-exempt philanthropic organization, was established in 1971 by Isaac Hayes "to alleviate suffering wherever and whenever possible."

Isaac Hayes has gone far, and will go much farther. He merits special attention, in his own right, and as an example to all Americans of the heights that can be attained through the use of talent, drive, and compassion for one's fellow men.

THE MULTINATIONAL CORPORATION

Mr. HARRIS. Mr. President, on the television program "Comment" Jerry Cohen, coauthor with Morton Mintz of "America Inc.," recently described the scope of the corporate merger movement which is revolutionizing the nature of the American economy.

Mr. Cohen pointed out that the largest corporations are becoming nation-states. They have the power to make life and death decisions when they design and manufacture products. In effect they impose taxes through their noncompetitive pricing tactics.

With the U.S. market their captive, these firms are now moving abroad. By 1985 it is expected that 300 corporations will stand astride the world economy.

Mr. President, Mr. Cohen's timely and unusually well-documented book "America Inc.," has helped to alert tens of thousands of Americans to the dangers we face. I understand that his book has now been translated into French so that it will have a wider European market.

I believe that other Senators will benefit from the thoughtful views found in Mr. Cohen's commentary over "Comment." I, therefore ask unanimous consent that his remarks be printed in the RECORD.

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

STATEMENT BY JERRY COHEN

We Americans have allowed two hundred giant corporations to engage in mergers at such a furious rate that they stand astride our national economy. They produce over two-thirds of the products we depend on in our daily lives—food we eat, cars we drive, clothes we wear, appliances we use and services we rely on. These corporations have become nation-states. They make life and death decisions when designing and manu-

facturing the products we use. They impose taxes through their non-competitive pricing tactics. By determining where plants will be located, they decide what sections of the country will thrive and which will atrophy.

Worse, their overwhelming economic power translates into political power. Corporate power becomes government power. We are becoming a nation ruled by our giant corporations; a nation with two classes of citizenship—first class for corporations; second class for everyone else.

These same corporations operate worldwide. Indeed, the merger movement in this country is matched by a world-wide merger movement. The expected result is that by 1985, 300 corporations will stand astride the world economy. Two hundred of them will be the same ones that own and operate the United States today.

That our government is being operated for the benefit of these mammoths not only home, but abroad, is becoming clear. The revelations concerning ITT in Chile are only a small example. Rather than being the exception that proves the rule, they are the rule.

At one time in history, we used the Marine Corps to further American corporate interests in foreign lands. Today, we are somewhat more subtle. The government negotiates agreements with foreign countries to protect our steel industry and textile industry from foreign competition. If the industries did the same thing with foreign companies, they would be violating American antitrust laws. But the participation of the government in the formation of international cartels makes an unlawful act, apparently lawful, and the consumer pays through increased prices.

The State Department often views its primary role as furthering the interests of our companies abroad. But the Commerce Department is not content with even this representation. It wants commercial attaches to be transferred from the State Department to the Commerce Department and to be elevated to second rank in every embassy and consulate in the world.

As if the giant corporations need such help!!

To carry out its world-wide operations, General Motors, for instance, employs more than 740,000 persons. Its net sales are greater than the gross national product of Argentina and almost double the GNP of the Union of South Africa. Many of our corporations operate in more than fifty countries and derive from 25%–50% of their income from these foreign operations. These companies have international staffs, international funding, international communication systems, international intelligence systems, their own state departments and—in the computer—an international language. They conduct their own foreign policy—Algeria, for instance, has broken off its relations with the United States, but not with Caterpillar, Getty Oil or IBM.

These giant corporations are truly multinational, owing loyalty to no particular nation. Indeed, an official of Dow Chemical Company has characterized them as a-national—having no nationality. Their charter from the little State of Delaware allows them generally to operate anywhere in the world. Because of their size and lack of nationality, they often are able to walk the cracks between the laws of the nations in which they operate. They are answerable neither to sovereign nor constituent—only to themselves.

One can now envisage the three hundred largest world corporations founding their own United Nations. One thing would be certain—their decisions would carry more weight than the United Nations as presently constituted. We may be approaching one world sooner than we think. But it will be the kind of world where what is good for General Motors and ITT will be the criterion for what is good for the human citizens of the world.

It's a short step from America, Inc. to World, Inc. And based on our experience with corporate behavior, up to now, it is not a world to look forward to.

ECUMENICAL STATEMENT ON VIETNAM BY ROCHESTER, N.Y., RELIGIOUS LEADERS

Mr. JAVITS. Mr. President, yesterday I had the privilege of receiving an ecumenical group of 10 religious leaders of Rochester, N.Y., who have come to Washington and petitioned their elected representatives to express their deepest sense of concern and despair over the continued killing in Southeast Asia and, as they state—

> The fact that our nation and the Soviet Union are using the poor people of both North and South Vietnam as pawns in a tragic game of war.

Mr. President, I share much of the deep and heartfelt emotion that has prompted these leaders of the Protestant, Catholic, and Jewish communities of upper New York State to express their views and those of their congregations to the escalated hostilities in and over both Vietnams; I am all too aware of the feelings of Americans who fear a "bloodbath" should we withdraw U.S. forces from Indochina; but coupled with it is our understanding of the devastation now being visited upon innocent civilians, North and South, because of this tragically improvident war.

I ask unanimous consent to have printed in the RECORD the statement of Catholic, Protestant, and Jewish clergymen of Rochester who called on me to express their despair over heightened U.S. involvement in Vietnam and their names and affiliations.

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

STATEMENT OF CATHOLIC, PROTESTANT, AND JEWISH CLERGYMEN REPRESENTING THE PEOPLE OF THE GREATER ROCHESTER AREA

We are going to Washington together because we are deeply upset over our country's escalation of the war in Vietnam.

More bombs will mean only just that much more suffering, mutilation, hunger, separation and death for mothers, children, elderly people, as well as more military victims too.

We think this latest action of our government only makes it all the more clear that this war is immoral and inhumane.

We also object to the secrecy in which war is waged, keeping its grim realities from the American people.

And we especially deplore the fact that our nation and Soviet Russia are using the poor people of both North and South Vietnam as pawns in a tragic game of war.

We want to say these things together to our representatives in Congress and to the people in our own congregations here at home.

Most Rev. Joseph L. Hogan, Bishop of the Catholic Diocese of Rochester.

Right Rev. Robert R. Spears, Jr., Bishop of the Episcopal Diocese of Rochester.

Rabbi Herbert Bronstein, Temple B'Rith Kodesh.

Rev. Robert H. Rowsam, Superintendent of the Rochester District, the United Methodist Church.

Rev. A. Claire Potter, Executive of the Genesee Valley Association of the United Church of Christ.

Rev. Carl Smith, Executive Presbyter of the Presbytery of the Genesee Valley.

Rev. Fred Gotwald, assistant to the President of the Upper New York Synod of the Lutheran Church in America.

Rev. Murphy Greer, president Rochester Area Ministers Conference, and pastor, Aenon Baptist Church.

Rev. Richard Gilbert, Minister, First Unitarian Church, chairman clergy and laymen concerned.

NEEDED: A REVITALIZING FOR SMALL BUSINESS

Mr. HUMPHREY. Mr. President, the American small businessman is the very core of our economy. Too often we think of American industry in terms of our huge corporations and conglomerates. People tend to forget that our 5½ million small businessmen and women represent 95 percent of all businesses in our country. These 5½ million Americans employ about 40 percent of our work force, and contribute some 40 percent to our trillion dollar gross national product. This week is National Small Business Week and it is proper to examine the state of the small business community today.

SMALL BUSINESS IN RECESSION

All Americans have experienced an extremely painful recession during the past 3 years, and full recovery is still a good way down the road. What happens to the small business when the national economy is allowed to slide into recession? The small business person is the first to feel the pinch. Small business is also the last to recover. This fact is attested by Dun and Bradstreet which reported a whopping 17 percent increase in business failures in 1970—a 3 year high. A recent survey by the Research Institute of America on the first quarter of 1971 tells us that earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent, while during the same period manufacturers with assets of less than $1 million suffered a 40.4 percent decrease in profits. This is nothing new. The same pattern has emerged in every recession. What is astonishing and appalling is that the Federal Government allowed it to happen to the degree that it did.

Nearly 20 years ago Congress clearly recognized the special problems of small business in maintaining competitive parity with big business, and made it the policy of the United States to provide special Federal support and assistance to small business with the enactment of the Small Business Act. So strong was the sentiment of the Congress, that an independent agency of the Federal Government was established not only to serve as the advocate of small businessmen and women at the seat of government, but also provided the agency with programs and financial resources to assist small business.

THE RECORD OF THE SMALL BUSINESS ADMINISTRATION

Having served on the Senate Select Committee on Small Business for 14 years, and having been involved in a family business for much longer, I know whereof I speak, and I especially know just how much help a small business needs in time of trouble, and the pro-

grams and resources available to the executive to provide it.

I would like to examine two major programs of SBA, financial assistance—regular business loans when funds are not otherwise available at reasonable rates; and procurement assistance—special help to assure that the small business community gets its share of the $40–$50 billion that the Government spends every year for its needs.

FINANCIAL ASSISTANCE

In examining the record of SBA financial assistance it is well to look at the agency's major lending activity, the business loan program. The essential element of the program is direct loans at 5½ percent interest. SBA can also participate with banks on loans with the borrower paying 5½ percent on the SBA share and the going bank rate on the bank share. The agency can also guarantee loans made by banks up to 90 percent with the borrower paying the going bank rate. It is important to spell this out, because during the period being examined, commercial interest rates were at the highest levels since the Civil War. The prime rate zoomed from about 6 percent in November 1968 to 8½ percent in the spring of 1969. This meant that the small businessman had to pay 10–11 percent for bank money—twice the amount to which he is entitled by law.

Statistics show that in fiscal year 1968, 2,456 loans were approved for $54.3 million on a direct basis; in fiscal year 1969, 635 loans for $15.1 million; in fiscal year 1970, 42 loans for $1.9 million; and in fiscal year 1971, 238 loans for $13.8 billion. The same diminution of 5½ percent dollars is reflected in the loans made in participation with banks. Statistics again show that in fiscal year 1968, 5,800 loans were approved on a direct and immediate participation basis with a Federal share of $198.4 million; in fiscal year 1969, the totals were 3,289 loans for $115.6 billion; in fiscal year 1970, 2,172 loans for $84.2 billion; and in fiscal year 1971, only 1,860 loans for $76.4 million.

These figures clearly demonstrate that the Nixon administration has deliberately denied small business tens of millions in 5½ percent loan funds.

PROCUREMENT ASSISTANCE

The Federal Government buys between $40–$50 billion worth of goods and services each year. Yet, procurement statistics show the same trends that were evident in financial assistance. There is no question that the small businessman has suffered reverses under the Nixon administration. First, in the direct contact program.

In fiscal year 1968, figures show that the Federal Government awarded $9.2 billion in contracts to small business out of a total of $47.7 billion, or 19.3 percent. In fiscal year 1969 the Government awarded $8.6 billion in contracts to small firms out of a total of $50.1 billion, or 17.1 percent. In 1970 awards to small business continued to drop to $7.2 billion of a total of $43.2 billion, or 16.7 percent. And in 1971 small firms received $7.3 billion in Federal contracts out of a total of $44.9 billion which was only 16.3 percent.

These figures show conclusively the downward trend in contracts to small firms.

Subcontracting from big government prime contractors is also a major source of business for small firms. In this area the record clearly shows an erosion of the small business share of the Federal pie. In fiscal year 1968 defense prime contractors subcontracted about $15 billion of their contracts, of which about $6.5 billion went to small businesses—about 42.7 percent. By fiscal year 1971, this picture had deteriorated badly with defense primes subcontracting only about $9.4 billion, of which some $3.3 billion went to small firms—about 34.8 percent—a percentage drop of nearly 8 percent.

SUMMARY

The record of the Nixon administration belies the high visibility and well advertised announcements and Executive orders professing a "deep commitment" to small business. Direct loan funds have been deliberately withheld from small businesses in the amount of some $200 million. Small business participation in Federal procurements has been allowed to shrink drastically.

The sad fact is that the President had the resources and the authority to provide small business with the additional support it needs, particularly during a recession. He chose to use neither.

THE HUMPHREY SMALL BUSINESS PROGRAM

First, I would release direct funds for regular small business loans immediately, and if the $200-odd million now available provided to be insufficient to meet the demand, I would not hesitate to ask the Congress for additional resources. As a matter of policy I would use the direct loan as opposed to a bank guarantee when the prime commercial lending rate exceeded 6.5 percent.

Second, I would direct all Federal departments and agencies to award a substantial share of their procurement dollars to small business.

Third, I would require large businesses receiving prime Federal contracts to subcontract a substantial portion of each contract to small firms as a binding condition of the contract.

Fourth, I would retain the Small Business Administration as a completely independent agency, and provide its Administrator with Cabinet rank and status as my personal principal adviser on small business. My SBA Administrator would also serve as a full member of my highest domestic and economic planning councils.

Fifth, I would increase the staff of SBA field offices to revitalize the agency's management assistance program which is virtually nonexistent today.

These actions will help small business. However, I believe the most effective way that any President can help small business is to demontrate the leadership that will provide the confidence in the business community, big and small, to put people to work and get our economy moving again.

A HISTORICAL ANALOGY

Mr. ALLOTT. Mr. President, I was amused by a curious appeal to history which took place recently in the Senate. I recur to the matter in order to show how difficult it is to call upon history to support current folly.

It will be recalled that on May 5 of this year, the Senator from Idaho (Mr. CHURCH) read into the RECORD a portion of a speech made in the year 1800 by Charles James Fox in the British House of Commons, in which Fox eloquently denounced the government policy of continuing the war with France. By analogy, the Senator implied that Fox's remarks to the England of 1800 were equally applicable to the United States in 1972, in Vietnam.

The Washington Post on May 9 reprinted this portion of Fox's speech as "An Instant Editorial," thus lending more currency to this purported analogy. In addition, Mr. Eric Severeid, of CBS, made approving comments about Fox.

Now I have before me an editorial from the Wall Street Journal of May 12 which puts the Fox speech in perspective. That editorial is so much to the point that I ask unanimous consent that it be printed at this point in the RECORD.

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

THE TRICKS OF HISTORICAL ANALOGY

Senator Frank Church has apparently been reading history lately, and has offered a passage about the agony of war from Charles James Fox, the great 18th Century English orator. Fox wanted to end a war between England and France that had dragged on for seven years, and said so with an eloquence common in his day and uncommon in ours.

"The Right Honorable Chancellor of the Exchequer feels the justice of the remarks; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-years conflict we are come to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. . . . And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal."

Senator Church reported that Parliament spurned Fox's wisdom, and two years later was forced to negotiate the Peace of Amiens on terms less favorable to England. The Washington Post reprinted these remarks, all of which put us to browsing in the history books. We come away feeling Senator Church should have told the rest of the story.

Fox spoke in 1800, as the Senator noted, and England had been fighting revolutionary France since 1793. The "new era in the war" to which Fox referred was the rise of Napoleon. In the Peace of Amiens England made large and controversial concessions to France, but the peace quickly broke down when it became apparent Napoleon had still further ambitions. War persisted until the final defeat of Napoleon at Waterloo in 1815. Only after that did the Congress of Vienna succeed in establishing peace that more or less prevailed in Europe for a century.

If there are any lessons here, it seems to us, they are that sometimes true peace cannot be established by one-sided concessions, and that arguments can be old and tired without necessarily being wrong. What this tells about our own day we leave to Senator Church, who brought it up in that context. But whether or not Fox's speech is good advice in 1972, it was terrible advice in 1800.

Mr. ALLOTT. Mr. President, if I may be permitted to add one more thought to those put forward by the writer of this thoughtful editorial: Fox's speech, though not preceded by 7 years of war, would have been poor advice for England in 1915 and 1940 as well.

THE 50TH YEAR OF MUNICIPAL OWNERSHIP OF TRANSPORTATION SYSTEM BY CITY OF DETROIT

Mr. HART. Mr. President, this week the city of Detroit marks the 50th year of municipal ownership of its transportation system. The man responsible for that municipal ownership was James Couzens, a distinguished, independent and colorful U.S. Senator from Michigan for 14 years.

Mr. President, I ask unanimous consent that a May 10 Detroit News article on Senator Couzens be printed at this point in the RECORD.

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

TWO BIRTHDAYS—THE DSR AND ITS FOUNDER

(By Don Lochbiler)

He was called "the maverick millionaire."

City Hall politicians also called him a maverick when he was Detroit's mayor. And some members of the United States Senate used the same term when he scoffed at petty partisanship after joining "America's most exclusive club."

But James Couzens, who always went his own way, became one of the best-loved Detroiters in the city's history.

Two forthcoming anniversaries will honor him. The first comes May 15, when the Department of Street Railways marks the completion of 50 years of municipal ownership of the city's transportation system.

It was Couzens, as mayor, who pushed to its successful conclusion the long fight for "M.O."

The second anniversary, on Aug. 26, will mark the centennial of Couzens' birth at Chatham, Ontario, in 1872.

His first job was pumping a church organ for $5 a month. Then he became a railroad news butcher, but after pushing his stock of magazines, candy and fruit for a week, he found his profit was zero.

"I'd eaten too much of the stock," he confessed.

At 17 he came to Detroit and became a car checker for the Michigan Central at $40 a month. He bettered this to $60 chasing coal cars for Alex Malcomson, a fuel dealer.

His paycheck reached $75 in 1898, when he married, and soon he was Malcomson's right-hand man at $1,800 a year. In 1903, when Malcomson bought stock in the infant Ford Motor Co., he put Couzens in the Ford factory to keep an eye on his investment.

Couzens liked the way Henry Ford operated. He put his savings of $900 into Ford stock, borrowed another $100 from his sister, and added a note for $1,500 to get 25 shares.

He put aside one share for his sister. For her $100, she drew $95,000 in dividends before selling her share for $260,000.

Couzens stayed with Ford 12 years, becoming general manager at $150,000 a year. When he quit in 1915 Ford paid $30,000,000 for his stock.

Mayor Oscar B. Marx put him on the street railway board—right in the middle of a battle between the board and the Detroit United Railways (DUR), which had acquired a monopoly on streetcar operations.

When DUR threatened to stop its cars the city passed an ordinance requiring fare reductions, Couzens announced he would borrow 1,000 cars from Ford to take over the job. The DUR backed down.

Later Marx appointed Couzens police commissioner, and he soon declared war on the segregated vice district which had been an accepted fixture in the city for decades.

It was a rough-and-tumble fight and Couzens acquired considerable scar tissue, but he won. Marx made a standing joke of telling Couzens he had become the most unpopular man in town.

"To shut him up and find out just how unpopular I was, I decided to run for mayor myself," Couzens said years later.

He made the race in 1918. While Couzens was otherwise occupied the DUR upped its fare to six cents, and it was a campaign sensation when Couzens got himself put off the cars for refusing to pay more than a nickel.

He was swept into office by such a large margin that no one ever questioned his popularity with the voters again.

City hall workers fumed when he insisted that they start work at 8:30 a.m., the same hour he did, and put in a full day's work. The public applauded.

The DUR's turn came next. Couzens asked the voters for $15,000,000 to start a municipal street railway system to compete with it.

They gave it to him on April 5, 1929, and work was begun the next day. Two needed crosstown lines were built.

In less than two years DUR had had enough. It agreed to sell out to the city for $19,350,000, and the people accepted the plan by an overwhelming vote.

It was a great day for Couzens—and Detroit—when the Department of Street Railways was born on May 15, 1922.

Late in 1922 Couzens resigned as mayor to accept an appointment as U.S. senator from Michigan. Within a few months he shocked his Republican colleagues by coming out for modification of national prohibition laws.

He was ahead of his time on this issue, but he was still around to see prohibition repealed in 1933. Meanwhile, the voters kept extending the stay in Washington of this unorthodox Republican who voted more often than not with the Democrats

In 1929 Couzens topped a long series of phalanthropies with the gift of $10,000,000 to establish the Children's Fund of Michigan. Characteristically, he arranged that all the money should be put to work at once without withholding funds to perpetuate the organization.

He didn't want longevity for himself, either. On his 55th birthday, he said:

"I hope I don't live more than 10 years longer. Ten years would be just about right. I will have had enough from life by the time I'm 65."

He called the shot pretty well. He was less than two months into his 65th year when illness took him from Wabeek, his Bloomfield Hills home, to Harper Hospital on Oct. 14, 1936.

The next day President Franklin D. Roosevelt, en route to Detroit in his campaign for reelection, sent word from his special train that he woud stop at the hospital to see Couzens.

Couzens wouldn't have it that way. He left Harper and had a jovial dinner with FDR aboard the President's diner in the Highalnd Park railroad yards.

Afterwards he returned to the hospital. He died there Oct. 22. The President termed him "a leader whose convictions were a part of the best that America aspires for, and whose courage was a match for his idealism."

The next day 4,000 Detroiters were waiting at City Hall when the body of Senator Couzens went on view in the office of his son, Mayor Frank Couzens. By 5 p.m., 15,000 had passed the casket.

People of all walks of life waited for hours in two long lines, and they voiced their own tributes: "He was the common man's friend." . . . "We'll never have another like him in high position." . . . "The children of Michigan have lost their best friend."

One elderly, white-haired lady waited patiently through the hours in line, then silently put three red roses on the casket.

At the funeral in Wabeek Oct. 26, there were elaborate floral pieces from the President, the Senate, from Henry Ford and the nation's great. But Couzens kept the common touch.

The only flowers on the casket were the unknown woman's three red roses.

TOWING VESSEL LICENSING BILL

Mr. TAFT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. Louis R. Fiore, Chairman of the Waterway Operations Conference, in support of H.R. 6479, the towing vessel licensing bill, before the Subcommittee on Merchant Marine of the Committee on Commerce, on April 27, 1972.

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

STATEMENT OF LOUIS R. FIORE

I appear today as Chairman of the Waterway Operations Conference, a national nonprofit inland waterway association concerned exclusively with operational problems. I would like the record to also note that I am the President of the Ohio River Company of Cincinnati, Ohio, an inland waterway carrier.

Appearing with me today is Mr. John D. Geary, Chairman of the Executive Committee of the Waterway Operations Conference. Mr. James T. Glenn of Washington, D.C. is General Counsel of our Conference, and our office is located at 2000 K Street, N.W., Washington, D.C.

The Waterway Operations Conference was formed late last year to further the development of a strong water-carrier industry through effective liaison with the Congress, appropriate Executive departments and agencies, and the public at large. Membership of our organization currently consists of 16 member companies that are transporting by water over 50 percent of the cargo now moving on the inland waterways. Our collective as well as individual objective is to maintain the continued growth and safety of this industry. We, frankly, feel that this new organizational vehicle will enable us to provide greater and more specific expertise on all the multifaceted operational aspects of the water-carrier industry to the government.

The Waterway Operations Conference strongly supports and endorses the objectives of H.R. 6479. The majority of our industry has for at least seven years supported Coast Guard licensing of our able and fully-qualified men in charge of our vessels. We believe that the safety record of our mode of transportation is outstanding. National Transportation Safety Board figures adequately support this conclusion.

The available 1970 data show that the marine transportation industry (inland rivers and Great Lakes) fatalities were .31 to each billion-ton mile traveled. This is in sharp contrast to the record of the railroads at 2.5 and the trucking industry at 10.9. We firmly believe that this excellent record can only be but improved by the enactment of the legislation now under consideration.

Our commitment to improve safety on the inland waters has been manifest. The Waterway Operations Conference has participated positively in many of the recent Congressional and Administrative steps that have been taken to improve safety conditions on the waterways. We have supported and implemented the introduction of bridge-to-bridge radio communications, which was mandated

by the Congress in 1971 under Public Law 92–63. We have cooperated fully and effectively in the recent Coast Guard implementation of the oil pollution prevention requirements of the Water Quality Improvement Act of 1970. We have just recently participated in the work done by this Committee in reporting out and passing the Navigable Waters Safety and Environmental Quality Act of 1972. The exercise of certain necessary and specific control in those situations, where there has been a history of impairment of safe navigation or where there is a particular serious danger to safety as a result of weather or other conditions, makes sense to us in the industry.

All of these major actions have directly involved members of our industry and the United States Coast Guard working cooperatively together to improve our already enviable transportation safety record. The essential provisions in H.R. 6479 for licensing of towing vessel operators will contribute materially to these efforts.

While the programs and increased activity over the past 2½ years have been substantial, they have not come without cost to our industry. The inland waterway industry is quite willing to bear these additional responsibilities within reason but does wish the Committee to bear in mind that there are incorporated in all these measures a real danger that an excessive and meaningless regulation could lead to an embarrassment to the Government and create unnecessary and disruptive burden on an otherwise safe inland marine industry. It is in this vein that we do feel that the study proposed in Section 2 of the Bill before you is unnecessary.

Repeated reports of both the United States Coast Guard and the National Transportation Safety Board based on exhaustive study and analysis of the casualties over the years fail completely to recommend or reveal a need for a licensing of engineers on our modern diesel towing vessels. This equipment is among the finest in the world.

The state of marine engineering art has now progressed to such an extent that we have high-speed diesel engines that require little or no maintenance for many thousands of hours of operation. These engines are applicable to instrumentation and complete pilothouse control such as engine monitoring systems for high water temperature, low oil pressure, low oil level, low level fuel supply, overspeed protection, and automatic load transfer of generator units. All of these controls have been pioneered by the river towboat industry and require only intermediate surveillance which can be handled by members of the crew. Engineers on constant duty are no longer necessary.

While we feel that the study is unnecessary, we will not oppose its authorization but would definitely recommend that, if a study is authorized, it should be for *the exclusive and special purpose of assuring safe navigation on the inland waterways.* Moreover, if the Committee in its wisdom decides to go forward in this area, we would respectfully request that the duration of the study be extended for at least 2 years in order to provide the Secretary and the Coast Guard with sufficient time to properly conduct an in-depth analysis and review of the real needs in this area.

In conclusion, Mr. Chairman, I should like to observe that in the last 25 years the volume of traffic moving on the inland waterways has more than doubled. In 1971 we moved with great safety about 10 percent of the nation's intercity cargo tonnage at low cost, which ultimately benefits everyone in the market place. The member companies of the Waterways Operations Conference are duly proud of this record for the entire industry and look forward to continuing to work effectively with your Committee and all other interested Government agencies in a joint effort to further improve the system.

Again, I wish to thank you and the members of the Committee for giving me the opportunity to appear and present these views.

THE PRESIDENT'S POLICY IN INDOCHINA

Mr. HARRIS. Mr. President, I am proud of the several actions taken recently by the Democratic conference of the U.S. Senate. I voted in favor of the motion by the distinguished Senator from Rhode Island (Mr. PASTORE), which carried by a vote of 44 to 0, that the Senate should proceed with the pending business, the question of cutting off funds for U.S. activities in Indochina, without delay. I voted in favor of the motion of the distinguished Senator from Idaho (Mr. CHURCH), which carried by a vote of 35 to 8, putting the conference on record in favor of the modified Church-Case amendment to cut off funds for U.S. activities in Indochina 4 months after agreement had been reached concerning return of prisoners of war. I spoke and voted in favor of the motion of the distinguished Senator from Arkansas (Mr. FULBRIGHT), which carried by a vote of 29 to 14, stating that the conference disapproved of President Nixon's escalation of the war in Indochina, as announced on May 8.

As I said in conference, reminded of it by something the distinguished Senator from California (Mr. CRANSTON) said, following the Cuban Bay of Pigs attack the late President Kennedy reportedly came to believe that had the New York Times not refrained from publishing information it possessed, such publication might have helped to avert the tragic episode which ensued. In my opinion, the duty of a Democratic conference to express its lack of confidence in present policies in Indochina was strongly analogous.

I do have the most profound lack of confidence in the policies President Nixon is pursuing in Indochina, and I believe we should say so in the hope—however weak that hope may be—that he may yet bring his policies and the official conduct of the Nation back within the bounds of morality and good sense.

I hope that Congress may yet cut off funds to support these policies.

COMPREHENSIVE TEST BAN ON NUCLEAR TESTS

Mr. BUCKLEY. Mr. President, according to newspaper reports, the senior Senator from Michigan (Mr. HART) testified yesterday before a committee of Congress in favor of a comprehensive test ban on nuclear tests. In addition, a number of Senators have urged the President to support a comprehensive test ban—a step which he has refused to take.

In the discussion of the merits of a comprehensive test ban, these Senators may have overlooked several dimensions of the issue by focusing on a small portion of the issue; the question of verification and the technology for the detection of underground detonations. This is the question to which I wish to address myself.

A major policy objective of the United States has been to limit the access of nonnuclear powers to nuclear weapons technology, and to the extent possible, to limit the extent to which existing nuclear powers can develop more advanced—and possibly destabilizing—nuclear weapons. To this end, the United States was a moving force in the Limited Test Ban Treaty of 1963 which prohibited nuclear detonations in the atmosphere, the water, or in space, and the Nuclear Non-Proliferation Treaty of 1965 which inhibited the ability of nuclear powers to transfer nuclear weapons technology to nonnuclear states.

Since 1963, both the United States and the Soviet Union have engaged in a program of underground nuclear weapons testing. It has been argued with increasing urgency, that the logical conclusion to U.S. efforts to inhibit the development of nuclear weapons would be to seek a comprehensive ban on all nuclear testing including those which take place below ground. It has further been argued that the United States would benefit if a comprehensive nuclear test ban were agreed to by the United States and the Soviet Union. I am convinced, however, that the entire issue of a comprehensive test ban—CTB—deserves much more careful scrutiny than it has received thus far.

Heretofore, most of the rhetorical and scientific effort that has been devoted to the CTB issue has been focused upon the issues of the technical ability to detect, locate, and identify seismic events as being caused by underground nuclear detonations, and the significance of such detonations to the strategic balance. I believe these issues, while important, should not dominate the decision as to whether or not to continue underground nuclear tests. Yet, the issues cannot be ignored.

A great deal of attention has been focused in the Congress and elsewhere upon the rather dramatic improvements in the technology associated with the detection, locations, and identification of seismic events. Indeed, in the years fiscal year 1964 through fiscal year 1971, the Department of Defense has spent $162 million in the VELA uniform program. This has resulted in a substantial improvement in the ability to discriminate between natural seismic events—earthquakes—and seismic events resulting from nuclear detonations. Less attention has been paid however to the improvements in the technology for evasion.

In 1963, there was practically no experience in large-scale underground nuclear tests. Today there are now at least five techniques for concealing underground nuclear detonations from detection. Four of these may be classified as follows:

The first technique involves emplacing the nuclear device in a portion of the earth where the waves generated by the detonation are significantly reduced in strength, such that they would escape detection from known detection techniques. By using this method, detonations of up to 10-kilotons would give seismic signals so weak that they are difficult or impossible to distinguish from about 70,000 earthquakes annually of similar magnitude.

The second involves suspending the nuclear device in a large cavity such that there is even less seismic energy transmitted to the surrounding terrain. According to a staff study by the Joint Committee on Atomic Energy, a 50-kiloton weapon—about the size of the Poseidon warhead—would produce a seismic signal of about the size of a one-half kiloton explosion. Detonations of this magnitude are, according to the study, "undetectable by any of the current or improved detection systems" known to be available. Detection of such "decoupled" tests would require on-site inspection—a procedure about which the Soviets are intensely hostile.

A third involves disguising a nuclear detonation's seismic signal in the wave chain of a natural seismic disturbance. According to the Joint Committee on Atomic Energy, this technique could permit undetectable detonations of a least 100-kilotons.

Finally, a fourth technique involves multiple shot simulations of nuclear detonations which are similar in character to the seismic signature of an earthquake. Thus, even if the seismic events were detected, under these circumstances it could not be identified as being caused by an atomic explosion. In the Joint Committee on Atomic Energy report, in considering the possibilities for evasion within the Soviet Union, the committee drew the following conclusions:

> The question arises as to the extent the geology and seismicity of the Soviet Union is conducive to such evasion techniques. Salt cones and granite suitable for decoupling cavities are readily available as are areas of low to intermediate coupling material. There is a wide distribution of relatively large areas of the Soviet Union that are actively seismic where it is conceivable that tests could be conducted using either the hiding-in-an-earthquake or multiple shot technique.

It is possible in many designs to "scale" nuclear devices so that for developmental purposes, low-yield versions of larger devices can be tested. It would be possible, therefore, for the Soviets to successfully evade the restrictions of a comprehensive test ban.

This possibility of evasion is militarily significant because of the current trend in Soviet weapons technology. This trend seeks to exploit their existing large payload capacity by designing smaller weapons as their guidance technology improves. Thus it is conceivable that the Soviets could be motivated to evade the restrictions of an agreement through the clandestine underground testing of smaller nuclear warheads. A successful Soviet development of weapons of sufficiently compact dimensions could achieve the Mirv capability which we already have on our own forces. Such a development could adversely affect the strategic balance to the disadvantage of the United States.

The issue of possible evasion of the strictures of a comprehensive test ban is important, as is the need for a better understanding of the technology for the detection, location, and identification of nuclear detonations. But these are by no means the whole story. At the present time, it is in fact desirable that the United States as well as the Soviet Union continue underground nuclear testing. Such testing has had a beneficial impact on the arms race by fulfilling one of the key objectives of arms control: mitigating the consequences of war, should war occur.

Between 1970 and 1975, the total megatonnage loaded on board U.S. strategic ballistic missile systems—the Minuteman and Poseidon missile systems, will decline by 40 percent. This decline in the aggregate destructive power of U.S. strategic forces has been made possible by improvements in nuclear weapon design technology which has permitted much smaller nuclear weapons to be placed in our strategic forces. It is reasonable to assume that as improvements in missile guidance become available and deployed, even smaller nuclear weapons would be available.

The net reduction in force megatonnage vastly reduces the potential destructiveness of a nuclear force. Such a reduction would enable a military planner to avoid using the very large weapons detonated at or near ground level that cause casualties as much by the direct effects of the nuclear detonation as by fallout.

A net reduction in aggregate megatonnage would reduce the amount of fallout which could be created in the event deterrence fails. Failing to continue to improve our strategic nuclear weapons would freeze deterrence at high levels of destruction. Thus, if deterrence should fail, the ability of each side to mitigate the consequences of nuclear war would be severely limited.

As the United States sees its margin of nuclear superiority eroded by the continuing Soviet strategic nuclear buildup, the confidence the President can have in the ability of our stockpiled nuclear weapons to reliably perform becomes increasingly important. For example, if after deployment some potential defect were noted in a Minuteman III warhead, military leaders must be able to give a U.S. President categorical assurance that the weapon can perform as required. If these assurances cannot be made, the President's confidence in deterrence, and thus his ability to bargain with an opponent in a political crisis, could be seriously eroded. In this case, it would not simply be a loss of confidence in a single warhead, but in all of the Minuteman III missiles—comprising 55 percent of our land based ballistic missile force by 1975.

Such a circumstance can be remedied only with confidence testing of our nuclear weapons. Only with such testing can we be sure that the weapons which are in our stockpile will perform as required. It is important to understand that U.S. nuclear weapons are more likely to suffer from confidence problems than are Soviet weapons because we have relied upon highly advanced technology to provide extremely compact weapons for our ICBM and submarine-launched ballistic missile force. The Soviet Union is not under a similar constraint because of its extremely large payload capacity. Thus, the Soviets can build relatively primitive and—by U.S. standards—extremely large nuclear weapons which do not require the same level of confidence that U.S. weapons might require.

For example, the Poseidon missile warhead is only 50 kilotons. The typical warhead on a Soviet submarine-launched ballistic missile is approximately 1 megaton, or 20 times as large. Thus, if there would appear, after deployment, some small defect in the Poseidon weapon system which might cause the nuclear weapon to fail to detonate, or detonate with much reduced yield, the deterrent capacity of our strategic nuclear forces could suffer severely. On the other hand, if its Soviet counterpart should suffer a defect which would reduce its nuclear yield, even if the defect were so serious as to cause a 50-percent reduction in yield, the weapon would still detonate with 10 times the explosive energy of the Poseidon warhead operating at full yield.

An additional consideration which has not been carefully studied is the effect on our nuclear weapons technology base of the complete cessation of underground testing. It is highly unlikely that the most talented scientists and engineers now engaged in nuclear weapons research would continue to remain in our weapons laboratories if there were no opportunities to test new designs. Thus, the laboratory personnel would tend to fall off in quality as the years went by. This situation is not symmetric however. In the Soviet Union, a totalitarian society, talented individuals can be compelled to continue working at a nuclear weapons laboratory. Thus, while U.S. laboratory competence could be eroded under a comprehensive test ban, such would not obtain in the Soviet Union.

Following the 1963 limited test ban, there was considerable rhetoric about the maintenance of safeguards and aggressive research and development in the field of nuclear weapons, such that our security would not be adversely affected by the elimination of the ability to conduct nuclear tests in the atmosphere. If a comprehensive test ban were agreed to, it is not unlikely that similar rhetorical assurances would be made. One need only examine the safeguard that was established concerning the maintenance of facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security. This safeguard, one of the four safeguards of the 1963 limited test ban has already been sharply eroded by the Congress. The organization set up following the Test Ban Treaty known as Joint Task Force–8 (JTF–8) has now been disbanded. As a consequence, the ability of the United States to promptly resume nuclear tests in the atmosphere has been sharply reduced. We now maintain a rudimentary facility on Johnson Island, but rather than a 90-day ability to resume nuclear tests, it may take 1 to 2 years to resume such tests if they were to become necessary.

The evidence available from hearings before the Congress as well as from an analysis of the security interests of the United States strongly suggests that at the present time a comprehensive test ban against all nuclear tests would be inimical to the national interests of the United States.

COURT ACTION ON PRESIDENT'S VIETNAM POLICY

Mr. HARRIS. Mr. President, last week I joined with 22 other Members of Congress in filing a suit for declaratory and injunctive relief against the President and his top Cabinet officials now conducting illegal acts of war in Indochina.

None of us came to this decision lightly. We joined in this suit because we believe the President is destroying not only Vietnam, but severely damaging his own country by continuing this senseless war in Vietnam and we believe every legal means must be seized to stop him.

As Congressmen and Senators, we prefer the legislative process as a check on the President's actions and we all shall pursue this route. But that is not enough.

On November 17, 1971, the Congress enacted Public Law 92–156, title IV—Termination of Hostilities in Indochina. By that action, the Congress made clear its intent that:

> It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indo-China.

In 1971 the Congress also repealed the Tonkin Gulf resolution which repeatedly had been cited as the legal basis for the United States immoral intervention in the war in Vietnam. By these two actions in 1971 the Congress attempted to clarify that the President had authority to follow only one course of action—to withdraw U.S. troops and end the war.

Instead the President resumed bombing of the North and in early May, decided to mine the harbors of North Vietnam. These extremely serious steps, which may have a profound and adverse effect on U.S. foreign relations for years to come, were taken without any consultation with the Congress. The mining of the coast of North Vietnam violates an international treaty to which the United States is a signatory, the Hague Convention of 1907.

Even those who support the President's actions in Vietnam must be concerned at the astonishing disrespect which this administration has shown for fundamental American principles of constitutional government. There is, in other words, a constitutional question at issue which the Congress must join.

The strength of American democracy has always been that we have a system of laws, not men. We support the principle that no man—no matter how rich or powerful—is greater than the law before which all must bow. Even Presidents are requested to respect this tradition. Franklin D. Roosevelt was not allowed to pack the court and Harry S. Truman was not permitted to seize the steel mills.

The 23 Members of Congress who signed the suit against the President strongly believe in the American system. They assert that if this system is to survive, all public officials, including the President of the United States, must respect the law.

It is in this spirit that they submit their suit and it is in this spirit that they shall press ahead with it.

Mr. President, I ask unanimous consent that the complaint filed by the 23 Members of Congress be printed in the RECORD.

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

[In the U.S. District Court for the District of Columbia]

1. Honorable Mike Gravel;
2. Honorable Fred Harris;
3. Honorable Bella S. Abzug;
4. Honorable Jonathan Bingham;
5. Honorable William Clay;
6. Honorable Shirley Chisholm;
7. Honorable John Conyers, Jr.;
8. Honorable Ronald V. Dellums;
9. Honorable Charles Diggs, Jr.;
10. Honorable Don Edwards;
11. Honorable Walter Fauntroy;
12. Honorable Michael J. Harrington;
13. Honorable Henry Helstoski;
14. Honorable Charles B. Rangel;
15. Honorable Thomas Rees;
16. Honorable Benjamin Rosenthal;
17. Honorable William Ryan;
18. Honorable Louis Stokes;
19. Honorable Phillip Burton;
20. Honorable Robert W. Kastenmeier;
21. Honorable Herman Badillo;
22. Honorable Augustus F. Hawkins;
23. Honorable Parren J. Mitchell; versus

Richard M. Nixon, Individually and as President of the United States, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C.;

Melvin R. Laird, Individually and as Secretary of Defense, Department of Defense, Washington, D.C.;

William P. Rogers, Individually and as Secretary of State, Department of State, Washington, D.C.;

Robert F. Froehlke, Individually and as Secretary of the Army, Department of Defense, Washington, D.C.;

John H. Chaffee, Individually and as Secretary of the Navy, Department of Defense, Washington, D.C.;

Robert C. Seamans, Jr., Individually and as Secretary of the Air Force, Department of Defense, Washington, D.C.; and the United States of America; Defendants.

COMPLAINT

1. Jurisdiction of this matter arises under the Constitution of the United States and Title 28 United States Code §§ 1331, 1346, and 1361, and such other provisions of law as shall be hereinafter set forth in this complaint. The amount in controversy exceeds ten thousand dollars ($10,000.00) exclusive of interest and costs.

2. Plaintiffs are each duly elected and qualified members of the Congress of the United States of America. They sue in their individual capacities as citizens of the United States and in their official capacities as members of Congress and representatives of their constituency. Each alleges that the activities of the defendants described herein has materially affected their abilities to represent the people of their districts and to practice their profession as elected representatives of the people. Each further alleges that they have a personal and direct stake in the outcome of the controversy and will be themselves adversely affected by it.

3. Defendants in this matter, other than the defendant United States of America, are officers and employees of the United States of America. This action is brought against them in their individual and in their official capacities. Defendants are respectively the President of the United States, Secretary of Defense, Secretary of State, Secretary of the Army, Secretary of the Navy and Secretary of the Air Force.

4. During the last several years, defendants and their predecessors in office, each acting individually and collectively, have engaged and caused the armed forces of the United States to engage in a war in Indochina. This war constitutes one of the longest and most costly wars in the history of this country. Over one million human beings, including over fifty thousand Americans have been killed in this war and at least one hundred billion dollars has been spent in the prosecution of it. At present the defendants are not only continuing the war, but have recently escalated the war.

5. On November 17, 1971, Congress enacted Public Law 92–156, Title VI—Termination of Hostilities in Indo-China. At that time, Congress made clear its intent that "it is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indo-China. . . ." Subsequently, the President of the United States, the Honorable Richard M. Nixon, substantially increased bombing raids against the Democratic Republic of Vietnam.

6. Recently, on May 8, 1972, the President announced to the American people that because the country faces a new situation, he has:

Ordered the following measures which are being implemented as I am speaking to you.

All entrances to North Vietnamese ports will be mined to prevent access to these ports and North Vietnamese naval operations from these ports. United States forces have been directed to take appropriate measures within the internal and claimed territorial waters of North Vietnam to interdict the delivery of any supplies. Rail and all other communications will be cut off to the maximum extent possible. . . . Countries with ships presently in North Vietnamese ports have already been notified that their ships will have three day light periods to leave in safety. After that time the mines will become active and any ships attempting to leave or enter these ports will do so at their own risk. (A copy of the President's address is attached hereto as Exhibit A)

7. On May 10, 1972, defendant Melvin Laird announced publicly that the United States would move against and take all appropriate action against any ships from any country whatsoever, seeking to enter the ports of the Democratic Republic of Vietnam (North Vietnam).

8. Article I, Section 8, Clause 11 of the United States Constitution states that the Congress shall have the power to declare war. Congress has not exercised this power. It has passed no legislation or joint resolution declaring war in Indo-China, nor has it explicitly, intentionally, and discretely authorized the war.

9. No appropriation act or selective service renewal act can be construed as an exercise of the declaration of war power by the Congress of the United States. Even should the courts interpret any such actions of Congress as implicitly or tacitly approving the exercise by the President of the war power, said tacit approval, if so interpreted by the courts, was explicitly revoked by the "Mansfield Amendment", Public Law 92–156, November 17, 1971. Accordingly, at this time the President is in violation of the separation of the powers doctrine as set forth in the Constitution of the United States, operating an illegal war in excess of his Constitutional powers. The President and other defendants are also unlawfully and unconstitutionally misusing appropriations of Congress to conduct this war.

10. As pointed out above, since the passage of the Mansfield Amendment, the President has taken action in mining the harbors of the Democratic Republic of Vietnam, cutting off communications and rail lines and interferring with shipment to Vietnam by other sovereign countries. Nothing in any acts of Congress have ever authorized either implicitly or explicitly such actions by the Executive Branch of Government of the United States. Additionally, leaders of Congress have repudiated such actions. These actions of the

President and other defendants herein constitute acts of war against other sovereign powers other than the Democratic Republic of Vietnam, never before considered by Congress and accordingly, also, violate the separation of powers doctrine.

11. Additionally, the actions of the Executive Branch and particularly defendants herein in mining the harbors of the Democratic Republic of Vietnam are in violation of Article II, Eighth Hague Convention of 1907—"Convention Relative to the Laying of Automatic Submarine Contact Mines", October 18, 1907, 36 Stat. 2332. The Hague Convention forbids the laying off coasts and ports of enemy mines which interfere with commercial shipping. The Convention defines the type of mines. The Executive Branch and defendants herein have made no effort to seek the approval of Congress or to inform Congress of the type of mines used, or full purpose or effect of the mines and accordingly violate the specific intent of the Hague Convention.

12. Plaintiffs have been and continue to be irreparably injured, both as citizens of the United States and as representatives of the people and in their ability to represent the people by the actions of the defendants. The right to declare war lies specifically and solely with the Congress of the United States. The issues of the President's and the other defendants' present actions in mining harbors, cutting off rail and other communications, and other actions as set forth above and included in Exhibit A attached hereto, have never been presented to any other court. Plaintiffs have no other adequate remedy at law other than the suit herein.

Wherefore, plaintiffs respectfully pray:

(1) That the Court issue a declaratory judgment, declaring that defendants are violating Article I, Section 8, Clause 11 of the United States Constitution in their actions against the Democratic Republic of Vietnam and other countries as described in the President's message of May 8, 1972;

(2) That the Court issue a preliminary and permanent injunction enjoining the President of the United States and other defendants herein and their successors in office and others acting in concert with them from carrying on war, further mining of harbors, further bombing and interruption of communication and rail transportation and other acts of violence against the Democratic Republic of Vietnam and other countries without specific authorization of Congress;

(3) That the Court enjoin the President and those acting in concert with him to seek Congressional authorization for the acts announced in his speech of May 8, 1972, and the further acts announced by the defendant Secretary of Defense in his press statement of May 10, 1972, before further implementing or carrying out any of those actions;

(4) And that the Court enjoin the defendants from further utilizing appropriations pursuant to acts of appropriation of Congress for military expenditures in Indo-China unless and until he receives proper authorization from Congress to utilize the funds in the manner set forth in his speech of May 8, 1972 and the public statement of defendant Secretary of Defense on May 10, 1972, and further enjoin him from using such funds in manners other than specifically set forth in the authorization acts of Congress as presently enacted.

(5) That the Court order such other and further relief as it may deem appropriate.

Hon. MIKE GRAVEL, et al.,
By Counsel.

Counsel for Plaintiffs: Philip J. Hirschkop, Washington, D.C.

GOV. GEORGE WALLACE

Mr. MATHIAS. Mr. President, I bitterly condemn and regret Monday's violence to Governor Wallace and the violation of Maryland's tradition of toleration. The bullets that hit George Wallace were propelled by madness and cowardice, and not only wounded the Governor, but shattered a heritage of three centuries. It is a day of sadness and a day of shame.

With Voltaire, I will defend to the death a man's right to say what he thinks. Yesterday's act is a basic denial of that fundamental right.

DISTINGUISHED PROFESSOR URGES ACTION TO STRENGTHEN THE UNITED NATIONS

Mr. BAYH. Mr. President, former Deputy Assistant Secretary of State Richard Gardner recently led a group of distinguished citizens in an American Assembly discussion on the United States and the United Nations.

In a paper entitled "The United States and the United Nations—Can We Do Better?" which Professor Gardner prepared for the American Assembly meeting, our sad performance in fulfilling legitimate international responsibilities is spelled out in straightforward language. Professor Gardner concludes, and rightly so, that not only can we do better, but we must. The stake, after all, is world peace—and that is best pursued through a world organization and not by unilateral interventionism.

I ask unanimous consent that Professor Gardner's paper be printed in the RECORD.

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

THE UNITED STATES AND THE UNITED NATIONS—CAN WE DO BETTER?

(By Richard N. Gardner)

"The real test of our commitment to the United Nations," Adlai Stevenson once said, "still lies ahead of us." With that prophetic remark Stevenson sought to warn us that a day might come when some hard and painful choices might have to be made between the pursuit of U.S. foreign policy interests as defined in Washington and support of a world organization in which the United States has only a minority voice.

That day has finally come. Although we have heard talk of a "crisis of confidence" in the United Nations in almost every year since its inception, there are important new elements in the present situation which call for a fundamental re-examination in U.S. policy toward the world organization.

The most obvious new element is that, for the first time in the history of the United Nations, the United States is beginning to default on its multilateral commitments all across the board:

We have begun importing chrome from Rhodesia in violation of a legally binding embargo for which we voted in the Security Council. The legislation which gave rise to this situation was adopted in the face of warnings that it was inconsistent with our obligations under the U.N. Charter. The Executive Branch could have avoided the breach of our U.N. obligations by selling chrome from our ample stockpile, but did not choose to do so.

Congress has refused to appropriate half of the U.S. assessments due the International Labor Organization (ILO) for 1970 and the entire amount of U.S. assessments due the ILO for 1971. If Congress fails to appropriate any funds for the ILO at this session, which seems likely, the U.S. will lose its vote in the ILO in January 1973. The Administration has declared that if Congress fails to appropriate the necessary funds, it will give notice of withdrawal to the ILO—which would be the first time the United States has withdrawn from a U.N. organization.

Congress has failed to appropriate the $20 million for the expansion of the United Nations Headquarters site which was promised by the Administration pursuant to a plan worked out between the United Nations, New York City and the Executive Branch. The failure to appropriate this sum means that important parts of the Headquarters Secretariat will have to be relocated in Europe.

Congress has not yet appropriated the U.S. share of funds for the "soft lending" activities of the International Development Association (IDA), the Inter-American Bank and the Asian Development Bank. These U.S. contributions were promised as a result of multilateral negotiations and were due to have been paid to the IDA last year and to the regional development institutions several years ago. The prospects of appropriations at this session of Congress are considered poor.

The United States is the only major developed country that has not yet implemented the agreement in the United Nations Conference on Trade and Development (UNCTAD) calling for trade preferences on behalf of developing countries. The prospects for the legislation necessary to implement this agreement are considered poor at this session of Congress.

The United States continues to move away from the target agreed to in the United Nations that developed countries should give 1 percent of their GNP in foreign aid. Most of our partners in the Organization for Economic Cooperation and Development (OECD) are moving toward this target or have already exceeded it. In terms of aid as a proportion of GNP, the United States now ranks close to the bottom of the list of non-Communist aid-giving countries.

A move is underway in this session of Congress to place a 25 percent ceiling on U.S. assessed contributions to all U.N. agencies. If adopted, this legislation would soon put the United States in violation not only of the U.N. Charter but of the constitutions of most of the Specialized Agencies. At the last session of Congress a bill to limit U.S. contributions to our share of the population of U.N. members—6 percent—was co-sponsored by 71 members of the House of Representatives.

These examples of withdrawal from multilateral commitments are but one aspect of the new situation which now prevails in the U.S. relationship to the U.N. In recent years we have also witnessed a significant falling off in U.S. determination to strengthen the United Nations in its fundamental Charter assignments. Our military actions in Vietnam and in the Dominican Republic, even if they can be legally justified by a liberal interpretation of the U.N. Charter, have hardly enhanced the peacekeeping authority of the United Nations. Moreover, there has been a progressive narrowing in the range of initiatives the United States has taken in the United Nations. As recently as the late 1950s and early 1960s, the United States was sponsoring major efforts to strengthen the world organization in its three basic Charter functions—keeping the peace, promoting economic development, and securing human rights. In recent years we seem to be bypassing these subjects in favor of matters like drug control, birth control and hijacking control. These new tasks are undeniably important to us and to other countries, yet our preoccupation with these issues certainly reflects a change in emphasis. The following list of major U.S. initiatives in the last four Administrations is instructive:

Eisenhower administration

United Nations Emergency Force.
United Nations Operation in the Congo.
United Nations Special Fund.
International Development Association.
"Atoms for Peace"—International Atomic Energy Agency.

Kennedy administration

Treaty Outline for General and Complete Disarmament.
United Nations Decade of Development.
World Food Program.
Outer Space Program.
World Weather Watch.
United Nations Bond Issue.
First call for U.N. action on population.
United Nations Institute for Training and Research (UNITAR).
United Nations High Commissioner for Human Rights.
Reversal of Eisenhower Administration's refusal to ratify or participate in the drafting of human rights treaties.

Johnson administration

United Nations Cyprus Operation.
United Nations Peacekeeping in India-Pakistan War.
Support for sanctions on Rhodesia.
United Nations Fund for Population Activities.

Nixon administration

Draft Treaty for an International Seabed Authority.
Unitd Nations actions for control of internatonal traffic in drugs.
Assistant to refugees from East Pakistan.
Proposals to control aircraft highjacking.
Earth Resource Satellites.
Enlargement and reform of ECOSOC.
$100 million fund for environment.

The narrowing range of U.S. initiatives reflects a growing skepticism in Washington about the ability of the U.N. to serve U.S. interests effectively in any of its major Charter functions. This disenchantment has been fed by a long series of events—the failure of the Secretary-General and of U.N. members to stand firm in the Article 9 crisis; the abrupt withdrawal by the Secretary-General of U.N. forces from the Middle East; the inability of U.N. members to resolve the stalemate over peacekeeping or to come up with a solution to the growing deficit; the lack of support for meaningful reforms on such subjects as mini-states and General Assembly procedures; the failure of the Jarring mission to achieve progress in the Middle East; the increasingly anti-Israel bias of U.N. resolutions; the outspoken criticisms by U Thant of our Vietnam policy compared with his restrained comments on Soviet behavior; and various U.N. resolutions passed over our opposition dealing with such matters as chemical warfare, nuclear testing and the problems of Southern Africa.

Coming after this long succession of disappointments, our humiliating defeat in the China vote last November seemed to be the proverbial last straw. The President of the United States, through a White House spokesman, deplored not only the result of the vote, but also the behavior of those U.N. members who greeted it with a display of enthusiasm. "The time has come," Senator Barry Goldwater declared, "to recognize the U.N. for the anti-American, anti-freedom organization it has become. The time has come for us to cut off all financial help, withdraw as a member, and ask the U.N. to find a headquarters location outside the U.S. that is more in keeping with the philosophy of the majority of voting members, someplace like Moscow or Peking."[1] While most Congressional criticism did not go that far, it did reflect a widespread displeasure in the country at large. Even a long-time U.N. supporter like *The New York Times* found the organization "close to bankruptcy—fiscal, political and moral."[2]

A few days after the China vote, Congress voted down the foreign aid bill. The foreign aid decision of Congress has since been reversed, but the Executive Branch took another decision in the wake of the China vote that has continuing consequences. The day after the General Assembly's action, Secretary of State Rogers held a press conference in which the following exchange occurred:

Question. Mr. Secretary, could you tell us what the Administration's position will be toward an effort in the Congress to reduce or cut UN funds?

Answer. Well, we will not support a reduction of funds for the United Nations in retaliation for this vote. That is not going to be the policy of this Administration. We think that because of the fact that this is an organization that is bound by a majority vote, and we in the United States are accustomed to being bound by a majority vote, that we should accept the decision.

The other problem, though, the related problem of whether the United Nations is spending too much money or not, in living beyond its resources, is a very difficult question, which we will have to address. *And I think that my own view is that it has spent too much money in the past. And we have probably contributed more than our share.* We contribute roughly 33 percent to the regular budget of the United Nations, and we contribute approximately 40 percent to specialized agencies. And, I think there is some question in the minds of the American people, and certainly in the minds of Congress, about whether we are carrying too great a share of the burden. (Emphasis supplied.)[3]

Shortly thereafter, Assistant Secretary of State Samuel De Palma told a Congressional Committee that the Administration had decided to seek to reduce the U.S. share of U.N. assessments to 25 percent "as quickly as possible." He assured the Committee that this decision bore no relation to the Administration's disappointment over the China vote. The 25 percent recommendation, in fact, had first appeared in the report of the Lodge Commission six months earlier. But of that report's nearly 100 recommendations, most of them calling for greater U.S. support of the U.N., this was the first recommendation, and so far the only one, that the Administration has decided to implement.

As if all this were not enough, the China vote and its aftermath was soon followed by the demonstration of the UN's impotence in the India-Pakistan war. Informed Americans have understood for years that the U.N. cannot act effectively in conflicts where the great powers are themselves involved, but the sight of a U.N. unable to halt a war between India and Pakistan was something else. The remarks attributed to Henry Kissinger in the "Anderson papers" suggested that in the White House, no less than in the public at large, very serious questions were being raised about the utility of the U.N. for peacekeeping anywhere in the third world:

If the United Nations can't operate in this kind of situation effectively, its utility has come to an end and it is useless to think of U.N. guarantees in the Middle East.

The exercise in the United Nations . . . is likely to be an exercise in futility, inasmuch as the Soviets can be expected to veto. The U.N., itself, will probably do little to terminate the war . . . Dr. Kissinger reiterated that there was no chance in getting anything useful in the U.N.[4]

The foreign policy reports issued early in 1972 by the President and by the Secretary of State reflect the attitude of deep skepticism that characterizes the Administration's current assessment of the United Nations. The two documents, while developing an impressive case for multilateral cooperation in areas like the law of the sea, environment, population and narcotics, contain the most critical references to the United Nations that have ever appeared in an American state paper. The following excerpts from the President's report suggest the new mood:

The United Nations is an experiment in cooperation among nations. It is a mistake to assume that its success is foreordained or its ultimate result altogether predictable. It is a mistake either to exaggerate its capability or to underestimate its potential.

We have reached a point at which it is no service to the idea of the United Nations and no contribution to its future to blink at its limitations. . . . We believe that the time has come for a large dose of realism and candor in the United States policy toward the United Nations.

We will not . . . take the initial or major responsibility for making up a deficit created by the policies of other countries.

Prudence and political realism dictate that no one country should be assessed a disproportionate share of the expenses of an organization approaching universality in which each member, large or small, has but one vote. That is particularly true when experience has shown that the major contributing countries are unable to exercise effective control over the UN budget.

We recognize the hope among some developing nations that their voting strength in UN organizations can be used to force an increase in the economic assistance which they receive from the developed countries. The aim is not unworthy. But the means can easily become self-defeating.

Economic aid programs depend upon political support in the developed countries, whose taxpayers are the ultimate donors. This support cannot be compelled. Attempts to use the one nation-one vote principle to do so will, in the long run endanger this whole important area of UN activity.[5]

This new mood of official skepticism about the United Nations is clearly shared by the American public. Public opinion on a subject of this kind is difficult to measure scientifically, but any review of newspaper coverage of the UN over the last decade would certainly reflect a growing sense of disappointment. This is true of *The New York Times* as well as of the provincial press. What is perhaps equally significant, the public is not only more critical of the United Nations, it is manifestly less interested. With the exception of the last General Assembly, which received special publicity because of the entry of mainland China, there has been a steady decline over the last decade in newspaper coverage of the United Nations. Even *The New York Times* has cut its U.N. bureau from five correspondents in 1961 to three in 1972. Members of the bureau complain that it gets harder and harder to get printed in the newspaper.

Some idea of the trend in public attitudes towards the United Nations may be found in the following tables. Table 1 (page 9) shows a sharp decline in public confidence in the United Nations over the last seven years. In July 1964, on the eve of the Article 19 crisis, 81 percent of those questioned thought the United Nations was doing a good or fair job, 7 percent a poor job, with 12 percent offering no opinion. In November 1971, after the China vote, the comparable figures were 35 percent, 43 percent and 16 percent. Table 2 (page 10) reveals that college educated people tend to be more critical of the United Nations—not exactly a reassuring statistic for U.N. supporters. The same table also shows that Republicans are less favorable in their assessment of the U.N. than Democrats. This has probably been true since the creation of the U.N., and may have some influence on the style as well as substance of the present Administration's approach.

It would be wrong to conclude, however, that the American people are now opposed to

Footnotes at end of article.

the U.N. in principle and would resist attempts to make it more effective. On the contrary, as Table 3 (page 10) indicates, the United States leads other developed countries in the extent to which public opinion supports the U.N. concept. In October 1970, in response to the question "Would you like to see the United Nations become a stronger organization?" 84 percent of Americans questioned said yes, 8 percent said no, and 8 percent had no opinion. This suggests that the American people are not against the multilateral approach as such but rather are critical of the actual performance of the U.N.—at least as this has been represented to them by their government and the mass media.

I. THE CASE FOR A NEW APPROACH

It may be well to begin by restating two truisms about the United Nations: (1) the organization is what its members want it to be; (2) no program to enhance the U.N.'s effectiveness can possibly succeed without strong U.S. leadership. The second proposition does not mean that the United States can or should undertake the sole responsibility for making the United Nations work. The cooperation of other countries is both necessary and desirable. But the political facts of life are that the U.S. input into the system has been essential to every successful U.N. action since the United Nations was founded. This is likely to continue to be true for the foreseeable future.

TABLE 1.—GALLUP POLL QUESTION: IN GENERAL, DO YOU THINK THE UNITED NATIONS IS DOING A GOOD JOB, OR A POOR JOB, IN TRYING TO SOLVE THE PROBLEMS IT HAS HAD TO FACE?

[In percent]

Date	Good or fair job	Poor job	No opinion—Do not know
December 1950	57	36	7
May 1951	54	36	10
September 1953	66	22	12
December 1953	55	30	15
July 1954	59	26	15
October 1955	80	10	10
November 1956	77	11	12
December 1959	87	7	6
October 1960	80	9	11
June 1961	79	11	10
January 1962	78	12	10
June 1962	78	15	7
November 1963	80	7	13
July 1964	81	7	12
October 1967	49	35	16
October 1970	44	40	16
November 1971	35	43	22

TABLE 2.—STATISTICAL BREAKDOWN OF 1971 GALLUP POLL RESULT BY CATEGORY OF RESPONDENT

[In percent]

	Good	Poor	No opinion
National	35	43	22
Republicans	31	48	21
Democrats	39	39	22
Independents	32	48	20
College	33	54	13
High school	37	41	22
Grade school	31	40	29
Under 30	41	40	19
30 to 49 years old	34	43	23
50 years old and over	32	46	22

TABLE 3.—GALLUP POLL QUESTION (OCTOBER 1970): WOULD YOU LIKE TO SEE THE UNITED NATIONS BECOME A STRONGER ORGANIZATION?

[In percent]

	Yes	No	No opinion
United States	84	8	8
Sweden	79	6	15
Greece	75	2	23
Great Britain	74	9	17
The Netherlands	66	10	24
Spain	46	5	49
Uruguay	45	31	24

Given these facts of life, two central questions need to be answered:

First, would a foreign policy which sought to make greater use of the United Nations for peacekeeping, development and human rights be desirable for the U.S.?

Second, would such a policy be feasible—in terms of its likelihood of achieving the desired results?

The first question requires some redefinition of what U.S. foreign policy is all about. State Department officials like to say that "the United Nations is an instrument of U.S. foreign policy." They do not always point out, however, that the United Nations is also the instrument of the foreign policy of 131 other countries. The real question is how the United States and the 131 other countries define their foreign policy interests. If the exclusive preoccupation is to gain some short-term political or economic advantage at the expense of someone else, it is probable that the United States and the other members will be frustrated and will conclude that the United Nations is an inadequate instrument for the promotion of their national interests. On the other hand, if we and other members have as a central foreign policy objective the building of a civilized system of world order, the United Nations could well become an effective instrument for that purpose.

Much of our discontent with the United Nations in recent years has resulted from our failure to get our way on every issue. There was a sharp reaction in Congress, for example, when the U.N. Special Fund decided to assist an agricultural experimental station in Cuba—even though this was the first of 288 Special Fund projects of which the United States Government disapproved. In domestic affairs, most people have come to recognize that in the common interest of preserving the community, one cannot have one's way on every issue. Yet, for the most part, we and other U.N. members have not yet applied that lesson on the international plane.

Indeed, there is a widespread tendency for U.N. members to pay lip service to the United Nations, while at the same time pursuing their short-term interests, often at its expense. Virtually all countries take an instrumental approach to the organization, citing Charter principles when they seem to yield a short-term advantage, ignoring them when they do not. This has always been true of the Soviet Union. What is distressing, however, is that it has become increasingly true of other members, including the United States. Our country occasionally asked itself how the United Nations could help it to do what it had decided to do in Vietnam; we never seriously asked ourselves how we might conform our Vietnam policies to our U.N. commitments.

The lack of a principled approach, of any serious attempt to articulate and live by consistent interpretations of the U.N. Charter and international law, is one of the most depressing aspects of present U.S. foreign policy. Our senior policy makers, like those in most other countries, ask only what the U.N. can do for them, not what they can do for the United Nations—or for the building of a civilized system of world order.

The present Administration has undertaken a number of bold initiatives to adjust our foreign policy to a world in which the United States no longer exercises preponderant power. The Nixon Doctrine emphasizes the proposition that the United States should do less by itself and more in cooperation with others. More recently, the Administration has emphasized, both in its rhetoric and in its practice, the concept of a new world balance based on five major power centers—the United States, the Soviet Union, China, Japan and an enlarged European Community.

The search for a new power balance is a legitimate and indeed a commendable objective. In a world of nation states, we can no more eliminate the necessity for balance of power than we can repeal the law of gravity. The question is whether balance of power alone is good enough.

By itself, balance of power politics has not brought peace in the past. It is not likely to do so in the future unless accompanied by institutional arrangements to accommodate the interests of the competing power centers. Moreover, the legitimate needs and aspirations of countries outside these five centers of power must be considered.

Furthermore, the balance of power concept by itself is manifestly inadequate in the face of the unprecedented situation in which mankind now finds itself. As an increasing number of thoughtful commentators have begun to observe, the future of civilization—perhaps even of human life itself—is now profoundly threatened by the expensive and dangerous arms race, the explosion of world population, the pollution of the common environment, the depletion of vital natural resources, and the growing frustration of people in the developing countries at their inability to achieve a decent life. The recent study by the Club of Rome warns us that we face massive breakdowns within the lives of our children and grandchildren if present trends continue and that such breakdowns can be averted only if preventive action is taken now. One does not have to agree with every detail of the Club of Rome study to accept the basic thesis that new forms of global cooperation and planetary planning are essential to assure the survival of the human race.

It follows that from now on a central preoccupation of U.S. foreign policy should be not just the development of a precarious power balance but the building of effective international machinery to manage mankind's common problems. Some of this machinery can be developed on a regional basis in North and South America and in the North Atlantic and Pacific communities of which we are a part. Perhaps some of it can be created in a "concert of free nations"—linking all the developed countries of the non-Communist world. But for those problems of peacekeeping, development and human rights that are global in extent—as well as for a cluster of new technology-related issues—there is no substitute for the United Nations.

A foreign policy approach emphasizing these elements would not only respond to the requirements of the international situation, it would respond to domestic political requirements as well. The broad postwar foreign policy consensus has been shattered by our experience in Vietnam. The best way—perhaps the only way—to rebuild domestic support for a creative internationalist (but not interventionist) United States role in the world is to put primary emphasis on multilateral diplomacy and on the building of international institutions for a just and secure world order. Such an effort would involve great difficulties, but also great potential benefits. The point was well summarized in the United Nations Association (UNA) report, *The United Nations in the 1970s:*

"The war in Viet-Nam has reminded us that essentially unilateral military action, even by the strongest of powers, can be inconclusive abroad and unpopular at home. In areas as diverse as peacekeeping, peaceful settlement of disputes, aid giving and controlling the impact of global technologies—experience is showing that such complex problems are often more effectively tackled through multilateral action than unilaterally, better legitimized by international consensus than by domestic decision-making, better symbolized by an international flag than by a single nation's banner. And this is so despite the rigidities, inefficiencies and hesitancies of international organizations in general and the United Nations in particular.

"The inescapable conclusion is that, in-

creasingly, it is in the U.S. national interest to act through international organizations, achieving needed results by burying rivalries, trading some of our freedom of action for greater legitimacy, attracting partners by a willingness to share responsibility.

• • • • •

"We submit that one way to rebuild the indispensable domestic consensus on foreign affairs is to pursue a larger proportion of our national interest through the shared responsibility possible by working through multilateral institutions." [6]

One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations constitutes an alliance of doves," in which the outward-looking members of national governments can reinforce one another in their struggles with more inward-looking members of their national administrations. A General Assembly speech by a head of state or prime minister can be a golden opportunity for the launching of a peace initiative or a bold program of cooperation that might be otherwise impossible. A compromise worked out in the Security Council, the General Assembly or a United Nations economic forum can enable political leaders to climb down from extreme positions while saving face. To give just a few examples within the personal knowledge of the author, the dramatic change in U.S. population policy in 1962, President Kennedy's 1963 offer of a joint moon program with the Soviet Union and the U.S.-Soviet agreement in 1963 banning nuclear weapons in orbit were all facilitated by—indeed, they would probably have been impossible without—the process of diplomacy in the United Nations. For an American president wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, the United Nations represents a resource of enormous potential. It can help us to reorder our national priorities, to turn our country around.

One of the serious dangers for the United States in its reaction from the Vietnam tragedy is that we may disengage from international enterprises that are mutually beneficial and even essential to our enlightened self-interest. Here again, the United Nations offers an opportunity to American leadership. U.N. programs are yielding new perceptions of the linkages between conditions abroad and conditions at home. To give just a few obvious examples: U.N. assistance to Asian farmers to grow wheat or rice instead of opium can reduce drug addiction and crime in New York. U.N. efforts to limit the use of toxic pesticides in other countries can safeguard our interests in the conservation of wildlife, fish and the health of marine environment. U.N. efforts to control diseases and establish minimum health standards can save the lives of untold numbers of Americans. And, most fundamentally of all, men in blue helmets under a U.N. flag in a world trouble spot can remove the occasion for American soldiers to fight or die there.

But even beyond these fairly obvious linkages between "foreign" and "domestic" problems, a U.N.-oriented foreign policy could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behaviour as a free people.

Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic economic and political order. At present these Americans are mainly looking inward. But a U.N.-oriented policy could help us put these concerns in a global context. As Mr. Reynold Levy, Harriman scholar at this Assembly, has ably put it:

"The necessity and desirability of American participation in completing the tasks of world order is clarified as one links in one's mind international problems with their domestic analogues:

"The need to disarm at home (e.g., gun control legislation) *and* abroad (e.g., arms control negotiation and limitation);

"The need to redistribute wealth at home (e.g., tax reform, family assistance plan, guaranteed annual income) *and* abroad (e.g., foreign aid, trade concessions to LDC's);

"The need to foster respect for equal enforcement of law at home (e.g., wire tap policy, maintenance of dignity of the Supreme Court, preventive detention, welfare work requirements) *and* abroad (e.g., U.S. action with respect to trade with Rhodesia, accrued dues to ILO, meeting commitments to multilateral institutions);

"The need to limit population growth and reduce technologically produced ecocides at home (tax incentives for small families, wide distribution of birth control information, measuring and taxing social costs of pollutants) *and* abroad (beginning a search for viable international solutions);

"The need to be sensitive to the civil liberties and social opportunities of all citizens at home (rights of political, religious, racial, chronological and sex-oriented minorities, intimidation of news media, conspiracy prosecutions, mass arrests, anti-busing rhetoric) *and* abroad (speak clearly in opposition to oppression wherever it is found—e.g., Greece, Spain, Nigeria, India/Pakistan, Portugal); and

"The need to resolve differences peacefully at home (e.g., avoidance of extreme forms of labor union/management strife via compulsory arbitration, earlier conciliation; wage/price guideposts meaningfully monitored under post-freeze conditions, easing of nationwide voter registration requirements, generally built in a responsiveness to valid grievances processed within the system) *and* abroad (e.g., develop U.N. peacekeeping competence, lend support to Secretary-General's conciliation and good offices capacities, encourage the institutionalization of preventive diplomacy efforts)." [7]

There is, finally, a very practical reason why it serves U.S. interests to broaden our support for the U.N. beyond such currently fashionable issues as population, environment and narcotics to the fundamental functions of peacekeeping, development and the protection of human rights. This is that an attempt to promote an effective U.N. in such limited sectors is unlikely to succeed without action on a broader front. Even if we were to decide that our priorities in the U.N. were limited to these new technological issues, we would have to recognize that the rest of the membership has other priorities. The other members will not cooperate for long in a major U.N. buildup in environment and population, for example, even if this is lavishly supported with U.S. contributions, if we seem to be downgrading the primary functions laid down in the U.N. Charter. Moreover, Congress and the American people are likely to judge the U.N.'s effectiveness in terms of its ability to discharge its major functions—particularly its peacekeeping role. In other words, there may be domestic as well as international political limits to our capacity to develop a healthy U.N. in technology-related areas if the U.N.'s more basic functions continue to atrophy.

The linkage is particularly close between progress in the U.N.'s development functions and progress in the new areas where the U.S. is pressing for U.N. action. An effective multilateral attack on the problems of environment and population growth is not likely to be mounted in the absence of an effective multilateral attack on poverty. Without an increase in the quantity and quality of global aid efforts, the financial and political basis for population control and environmental protection in the less developed countries will simply not exist. Not only does action on population and environment cost money that the developing countries do not have, but political resistance to population and environment efforts is likely to grow in these countries if international development assistance is static or declining. Already at the U.N., some countries are charging that the new emphasis by the United States on environment and population is a gigantic "cop out" to justify our declining foreign aid effort.

II. THE HARD QUESTIONS OF FEASIBILITY

"The United Nations," Professor Lincoln Bloomfield has remarked, "is the first institution in history which has become indispensable before it has become possible." Picking up this useful phrase, the United States Association has chosen as a motto of its development campaign the slogan "to make the indispensable possible." Unfortunately, however, most of the excellent panel reports of the UNA and even the report of the Lodge Commission share a defect characteristic of many academic studies and much world federalist literature—they are much more persuasive about the desirability of strengthening the U.N. in the performance of its basic Charter functions than about the feasibility of their proposals for achieving this objective.

It is precisely here that effective dialogue between the government "insiders" and the public "outsiders" breaks down. The U.S. Government officials responsible for shaping our U.N. policy, even where they concern the desirability of strengthening the U.N. in its peacekeeping, development or human rights functions, usually argue that the proposals offered by private groups are not capable of achievement because the necessary international or domestic political support is not available. The outsiders tend to camplain that the insiders have not tried hard enough or are unduly pessimistic about the future prospects. The insiders say the outsiders simply don't know the facts of political life

These arguments remind one of the TV commercial in which the waiter plies the customer with the repeated incantation, *"Try it, you'll like it,"* and the unwilling victim, after consuming the dish, exclaims, *"Like it, I thought I was gonna die!"* Only in the case of our U.N. policy, the object of the plea to "try it" isn't having any, perhaps because there is no Alka Seltzer which will solve his problem if the proposal proves indigestible.

What is most needed in this area is a serious and sustained dialogue between insiders and outsiders, moving away from generalities onto specifics, and focusing on the hard questions of feasibility.

One way to begin a discussion of feasibility is to look at the problem of Charter review. The last General Assembly invited members to submit their views on this subject. The U.S. position has remained the same on Charter review for the last two decades. Our position is that no constructive purpose would be served by a Charter review conference, given the wide divergence of views between U.N. members on fundamental issues. At the same time, we are prepared to support amendments of particular Charter provisions when these seem appropriate and when an adequate consensus develops in support of them—the recent General Assembly decision to amend the Charter by increasing the size of the Economic and Social Council from 27 to 54 is a case in point. Moreover, we argue that many of the desired improvements in U.N. peacemaking, development and human rights activities can be achieved without Charter amendment by appropriate reforms in the operation of U.N. organs or in the Secretariat.

Footnotes at end of article.

If this view of the matter is correct, and the author of this essay believes that it is, the discussion should focus not on the abstract question of Charter review, but rather on what specific measures would be feasible to strengthen the U.N.'s capacity in peacekeeping, development and human rights. The possibility of Charter amendments in these areas should be seriously considered only where the necessary reforms cannot be achieved in any other way and only where there is some prospect of achieving the agreement of those members whose support for an amendment is constitutionally required—all of the five permanent members and two-thirds of the membership as a whole.

Limitations of space preclude a comprehensive discussion of the feasibility of all the major proposals that have been made for strengthening the U.N.'s effectiveness in the performance of its basic Charter functions. The paragraphs that follow are designed simply to suggest the kinds of questions that need to be raised about some of these proposals:

Peacekeeping

The Lodge Commission and the UNA panel report favor ambitious U.S. initiatives to strengthen the U.N.'s capacity for peacekeeping and peaceful settlement. These include the institution of a 25,000-man standby peace force, the creation of a peace fund, the establishment of a small U.N. Guard for humanitarian and relief activities, a U.N. corps of military observers, and a U.N. fact-finding center. The problem with all of these recommendations is that they have all been strongly opposed by the Soviet Union—and they are now almost certainly going to be opposed by the People's Republic of China as well. The hard question is whether any purpose would be served by a major diplomatic effort to induce the Soviet Union and the People's Republic to alter their views and whether, in the event of failure, it would be advisable to seek the implementation of such measures over their opposition in the General Assembly or Secretariat. With respect to certain other proposals—such as the repeal of the Connally Amendment and the "coalitions for peaceful settlement" under which the United States would agree to accept General Assembly decisions as legally binding on specific questions which it would define in advance—there is the further question of whether such initiatives would have the necessary support from the United States Congress.

Development

The Lodge Commission and the UNA panel report favor substantial increases in the United States contributions to multilateral development programs, as well as major reforms in the multilateral assistance process. Here again, the question of feasibility needs to be carefully examined. Proposals for big increases in U.S. contributions to the United Nations Development Program (the Lodge Commission proposes a U.S. annual contribution of at least $200 million by 1975) and for the transfer of several billions annually in U.S. development assistance through multilateral financial agencies have to be looked at in the light of certain harsh domestic realities—the growing public and Congressional disenchantment with foreign aid, the refusal of the Congress to raise U.S. contributions to UNDP beyond the $86.3 million of the last several years, and the failure of Congress to appropriate the comparatively modest sums already agreed upon as U.S. contributions to the International Development Association, the Inter-American Development Bank and the Asian Development Bank.

Quite apart from the opposition to foreign aid generally, there is the further question of whether the U.S. Congress and the American people are prepared to accept the reduction in U.S. control of assistance funds that is inherent in any international effort. It is not only in the UNDP that the political and economic priorities of international management may diverge from those of the United States government. Even in the World Bank, once thought to be securely under U.S. control, a recent loan to India was adopted over the negative vote of the U.S. Executive Director. The central question is whether it will be possible to persuade the Congress and the public that this loss of control is more than compensated for by the advantages of multilateral administration in terms of political insulation, burden-sharing, and greater cooperation from recipient governments.

The feasibility test needs also to be applied to proposals for reforms in the multilateral assistance process—notably the proposal for an International Development Council to develop global priorities, propose funding levels and coordinate all multilater and bilateral efforts. The evidence thus far suggests that the international agencies as well as the national governments will resist this proposal. Indeed, it is likely to be extremely difficult to go much beyond the modest degree of coordination that has already been achieved.

Human rights

The feasibility issue is no less serious in the human rights field. For five consecutive years the General Assembly has debated the proposal to establish a High Commissioner for Human Rights. Each year it has postponed a decision in the face of strong opposition from the Soviet Union, India and the Arab States. It is doubtful if the entry of the People's Republic of China will increase support for this proposal.

Modest gains have been achieved in the Subcommission on Discrimination and the Protection of Minorities of the Human Rights Commission, which now has established its authority to examine complaints which indicate "gross violations" of human rights in member countries. But the fact has to be faced that the majority of U.N. members have a very different set of priorities in this area than the United States. While a Convention on Racial Discrimination was completed years ago, the drafting of a Convention on Religious Intolerance continues to languish. The necessary majority for action in support of human rights standards seems to exist only where racial discrimination or some form of "colonialism" is seen to exist. All efforts to get the Human Rights Commission to deal with human rights violations in the Soviet Union and other Communist countries have been unavailing. As a measure of how far the priorities of the U.S. can differ from those of the U.N. majority in the human rights field, it should be noted that only last month the United States was obliged to vote against a resolution of the Human Rights Commission declaring that Israel's treatment of the Arab population in Israeli-occupied territories violated the standards of the Nuremberg Charter.

III. PROBLEMS OF MONEY AND POWER

The crisis in U.S. relations to the U.N. finds its most acute expression in a number of financial issues that have assumed special urgency in 1972. These issues can be conveniently summarized under the following main heads:

United States defaults

There are two respects in which the United States is withholding funds from the United Nations system in violation of its legal obligations. The first, which has already been referred to, is our failure to pay our assessed dues to the International Labor Organization. The Administration is currently seeking a supplemental appropriation of $11 million to permit payments of the amounts owed to the ILO for 1970 and 1971. It is also seeking appropriations for our share of the 1972 ILO budget. It has indicated that it have no choice but to give notice of withdrawal from the ILO unless Congress appropriates the necessary funds. What is not clear is what the Administration will do if Congressman Rooney carries out his plan to appropriate just a minimum amount suffcient to prevent our loss of vote in the ILO—i.e., an amount sufficient to pay only our 1971 dues plus one dollar.

The second instance, which is less well known, has resulted from the Congressional proviso attached to the 1970 and 1971 appropriation acts that not less than $2.5 million of U.S. assessment due the United Nations system should be paid in the form of U.S.-owned foreign currencies. Under the U.N. financial regulations, assessments are supposed to be paid in dollars and other convertible currencies. Nevertheless, U.N. agencies have found it possible to make use of some U.S.-owned inconvertible foreign currencies to meet their requirements, but not in an amount equal to the Congressionally-specified minimum. The United States is accordingly in arrears by $1.7 million on its assessments to various Specialized Agencies for the calendar years 1969 and 1970. If we take our international obligations seriously, the Congress ought to appropriate the necessary funds to liquidate these U.S. debts at this session, but the outlook as of this writing is uncertain.

The failure to pay on time

An important factor in the U.N.'s financial crisis is the failure of members to pay their assessments on time. Unfortunately, the United States is a major offender in this respect. The U.N.'s fiscal year corresponds to the calendar year, and the financial regulations provide that all assessed contributions are due and payable by the end of February. The United States fiscal year begins in July, and the Congressional appropriations for our share of the U.N. budget are usually not available until July of the year in which the assessments are due, or even later. In recent years, even though funds have been appropriated by July, the Executive Branch has paid only one-half of our contributions at that time, holding further payments until October and December.

The new Secretary-General has appealed to all members to pay their assessments promptly at the beginning of each calendar year and has discussed this problem personally with President Nixon. It would seem desirable, at the very least, for the United States to pay the full amount of its assessed contribution each year as soon as the funds become available from Congress. But beyond that, if we are to bring ourselves into full compliance with the financial regulations and respond fully to the Secretary-General's appeal, we will need to change our system of Congressional appropriations so that funds can be appropriated by the Congress in the fiscal year prior to the calendar year in which the assessments are due. This would mean, for example, that the Administration on the basis of estimates, would include in the 1974 Fiscal Year budget presented to Congress in the spring of 1973 the U.S. contributions due the U.N. for calendar 1974. It would require, for that one year only, a double appropriation of the approximately $70 million in U.S. annual assessments. The Canadian Parliament recently made such a double appropriation. To discharge to the full our obligations under the U.N. financial regulations, Congress would have to do the same. The Executive Branch has so far been reluctant to make such a proposal, in the light of its existing difficulties with Congress over U.N. appropriations.

The United Nations deficit

The most serious element in the U.N.'s financial situation is the large and growing

deficit resulting from the refusal of certain members to pay their assessed obligations. The largest part of the deficit, as everyone knows, stems from the failure of the Soviet Union and France to pay their assessments for the Congo operation (the Soviet Union has also refused to pay its assessments for the peacekeeping operation in the Middle East). Moreover, these countries, together with the People's Republic of China, are withholding that portion of their current budget assessments which is required to pay for certain contested items in the regular budget, such as payment of interest and principal on the U.N. bond. The Soviet Union also insists on paying its share of the $9 million of technical assistance in the regular budget in inconvertible currency and withholds its share of certain small items such as the Korean Cemetery and the U.N. Commission for the Unification and Rehabilitation of Korea (UNCURK).

The total deficit resulting from these defaults has reached approximately $66 million, after taking into account funds voluntarily contributed toward the deficit from a number of members, including France (which recently contributed $3.5 million). Of the $66 million, some $37 million consists of debts owed by the United Nations (mostly to member governments) for direct support to the Congo and Middle East operations; $17 million takes the form of "surplus accounts" which are monies owing to member states as a result of an excess of peacekeeping assessments over actual costs; the remaining $12 million of the deficit is a shortfall in cash. In addition there should probably be added to the deficit the $16 million owed by the Republic of China at the time of its departure from the United Nations, which the People's Republic is unlikely to pay. If member governments were prepared to waive the debts owing them from past peacekeeping operations and the monies due them from the surplus accounts, about $30 million in cash would be necessary to liquidate the deficit.[8]

No financial settlement, however, would be satisfactory to the United States or other members if it did not deal at the same time with the contested items in the regular budget. The most important of these are the technical assistance item and the payments of interest and principal on the U.N. bonds. The United States and the Soviet Union, together with other developed countries, have a common interest in removing technical assistance from the regular budget and funding this program on a voluntary basis within the UNDP. The developing countries would be reluctant to accept this, but they might be prepared to do so as part of an overall solution to the financial crisis.

As for the U.N. bonds, some $119 million are outstanding. If the bondholders were prepared to offset against the face value of the bonds the $79 million in assessments they will have to pay in the future to cover interest and principal payments, the bonds could be retired at a net cost of $40 million. If they were prepared to go further and accept a 40 percent reduction by way of a "cash surrender discount" to reflect the fair market value of the bonds (which pay a minimal 2 percent interest), the entire bond issue could be retired for $24 million. This $24 million added to the $30 million figure given earlier as the amount needed to eliminate the deficit, would bring the total amount of cash needed to $54 million. Of course, if the United Nations wished also to restore its depleted working capital fund of $40 million and thus put itself in a secure financial position for the future, the total needed would be $94 million.

The United States has indicated that a satisfactory package settlement would require between $40 to $50 million in voluntary cash contributions from the Soviet Union and France. France, as already indicated, has contributed only $3.5 million and the Soviet Union has declared that $5 million is the most they would be prepared to contribute. We take the position that we will take no initiative toward a financial settlement since the responsibility for the deficit lies elsewhere, but we have said we would be prepared to consider an appropriate contribution if the Soviet Union and France agree to cash contributions of $40 to $50 million. Although it has not been explicitly stated, it is assumed that the U.S. contribution in this event would be the waiver of the approximately $15 million in U.N. debts and surplus accounts owing the United States.

It is certainly true that the responsibility for the deficit rests mainly upon the Soviet Union and France. Nevertheless, if one accepts the argument made earlier that a greatly strengthened U.N. would serve U.S. national interests, the question arises whether the United States should not take a more forthcoming attitude in the present financial negotiations. We could do this by (1) making affirmative proposals for a settlement of the deficit rather than simply awaiting the proposals of others and (2) offering at least a small cash contribution in addition to a waiver of the $15 million which is owing us. Such a cash contribution, of course, would require Congressional appropriations. Given the unhappy history of the Article 19 crisis and present Congressional attitudes toward United Nations financing, the prospect for such an appropriation would be dim in the absence of an all-out effort from the Executive Branch. At the present time, no such effort is contemplated.

Fair shares of money and influence

The United States currently pays 31.52 percent of the regular budget of the United Nations. Our share of the regular budgets of other U.N. agencies averages something less than this. We contribute approximately 36 percent of the voluntary funds in the UNDP, and a slightly higher percentage of all U.N. voluntary budgets considered together.

The Lodge Commission recommended that the U.S. share of the U.N.'s regular budget should be reduced to 25 percent "over a period of years."[9] The Executive Branch has now promised Congress, as noted earlier, to seek a reduction to 25 percent "as quickly as possible." In making this commitment, it significantly omitted the important proviso in the Lodge Commission recommendation that "each reduction in the U.S. share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the U.N. system."[10] Moreover, the Administration's timetable is not the gradual one envisaged in the Lodge Commission report. It apparently plans to seek acceptance in principle of a 25 percent ceiling at the next General Assembly and to have the Contributions Committee agree at its meeting in the spring of 1973 to put this limitation into effect for the triennium 1974–76.

The wisdom of this decision by the Executive Branch is subject to question on a number of grounds. Taking account of devaluation, the United States represents approximately one-third of the national income of the U.N. membership. When our percentage is adjusted under the U.N.'s "capacity to pay" formula to take account of the low *per capita* income of certain countries, our adjusted post-devaluation assessment rate comes to about 35 percent. Thus our present assessment of 31.5 percent cannot be regarded as excessive from the point of view of capacity to pay.

Moreover, the practical possibilities of achieving the promised reduction are highly doubtful, to say the least. In making this commitment, the Administration has placed great emphasis on the reductions in the U.S. assessments that may be expected as a result of the admission of new members. There is a reasonable prospect that the two Germanies will enter the United Nations in 1973 and that Switzerland may become a member sometime thereafter. The assessment rates will be 6.8 percent for the Federal Republic, about 1.7 percent for the German Democratic Republic, and about 1 per cent for Switzerland, for a total of about 9.5 percent. If one makes the optimistic assumption that the two Koreas and the two Vietnams will also be admitted and takes account further of the possible entry of a number of mini-states paying the minimum .04 percent rate, the total assessment represented by new members could reach something like 10 percent by the 1974–76 triennium. The United States 31.5 percent share of this 10 percent is about 3.1 percent—sufficient to reduce our present rate to about 28.4 percent. Thus the Executive Branch could not make good on its 25 percent commitment unless virtually all the U.N. members other than the Communist and less developed countries were prepared to forego their proportionate shares of the benefit resulting from the admission of new members. There is little prospect that these U.N. members will be willing to make such a sacrifice to accommodate the United States.

If a reduction to 25 percent is neither dictated by the principle of capacity to pay nor in line with current negotiating possibilities in the United Nations, why has such a decision been made? The explanation of the Executive Branch, which was contained in the President's foreign policy message to Congress and which has been repeated by spokesmen for the Administration before U.N. bodies and Congressional committees is as follows:

"Prudence and political realism dictate that no one country should be assessed a disproportionate share of the expenses of an organization approaching universality in which each member, large or small, has but one vote. That is particularly true when experience has shown that the major contributing countries are unable to exercise effective control over the UN budget."[11]

In other words, the United States is determined to reduce its share to 25 percent in order to reduce the gap between its share of the budget and its share of decision-making power. But if the United States regular budget assessment is going to be reduced as a result of the admission of new members to 28 percent in the normal course of events anyway, it is hard to see why the extra three percentage points are dictated by "prudence and political realism," particularly when the effort to get them is bound to precipitate a major confrontation and complicate the U.N.'s financial crisis. In either case—28 percent or 25 percent—the gap between our budgetary share and our influence in decision-making would remain very large.

The essential purpose of the 25 percent commitment would seem to be to appease Congressional criticism of the United Nations and to serve notice on the world organization that the United States wants greater influence in the budget and policy-making process. In both respects, however, this strategy is likely to backfire. Congressman Rooney, taking the Administration at its word, is already suggesting a unilateral 25 percent limitation on U.S. assessments, which could deepen the U.N.'s constitutional and fiscal crisis and put the U.S. in violation of its Charter obligations. Moreover, the United States will hardly be in a better position to persuade other U.N. members to give it greater influence in U.N. decision-making at the very time it is reducing its financial support.

The reform of United Nations decision-making procedures is a matter of enormous complexity. It is irrational that countries representing less than 5 percent of the budget and 10 percent of the population of the total membership can take decisions in the General

Footnotes at end of article.

Assembly by a two-thirds majority, including binding decisions on budgetary matters. But anyone reasonably conversant with the political situation in the United Nations knows that no system of weighted voting can possibly be negotiated which would be satisfactory to the United States and the other U.N. members whose agreement is constitutionally necessary for such a change. The only improvements in decision-making that have any possibility of acceptance would be those that respect the one-nation one-vote principle laid down in the Charter but which would (1) provide for more regular representation by the middle powers in the Security Council, and (2) provide that General Assembly resolutions on certain subjects could only be adopted when those same resolutions had been approved by small committees in which the large and middle powers have a greater proportion of the seats than they do in the Assembly as a whole. This second possibility might mean, for example, that the Assembly could take decisions on budgetary matters only when those same decisions had been taken first by the Advisory Committee on Administrative and Budgetary Questions (ACABQ)—or that its decisions on peacekeeping operations would have to be based on prior decisions by a Peacekeeping Finance Committee. Such proposals would amount in effect to a bicameral arrangement between the Assembly and select committees with "weighted representation." Resolutions would have to be approved both by the relevant committee and by the Assembly as a whole.

Reforms of this kind could be carried out without Charter amendment provided that a two-thirds majority could be secured in the General Assembly. In the case of reform of the Security Council, a resolution passed by a two-thirds majority could lay down a new "gentlemen's agreement" on the election of non-permanent members of the Council specifying that a certain number of places (e.g., 5 of the 10) should be reserved for a specially defined group of middle powers. A two-thirds majority would also be sufficient to adopt new rules or procedure providing for bicameralism between the General Assembly and committees of weighted representation. For these reforms, however, the majority of African, Asian and Latin American countries would have to agree. There is absolutely no chance of securing their agreement if the United States is cutting back on its financial support for the United Nations and opposing U.N. efforts in development and other areas of interest to these countries. The only conceivable way in which the developing countries could be induced to accept such reforms would be if the United States were prepared to work for a United Nations that was more effective on matters of interest to them. Such a possibility, however, would require a fundamental change in present U.S. policy.

It is impossible to quarrel, of course, with the notion that the United Nations should eliminate waste, cut down on superfluous personnel, meetings and documentation, and otherwise put its financial house in order. It is difficult to deny, moreover, that the United Nations urgently needs to modernize its financial and management practices and develop a more effective means of establishing budgetary priorities. But what this argues for is a selective approach in which the United States seeks to cut fat and strengthen vital programs, not a meat-axe approach in which we seek reductions across the board. In the light of the predicament in which mankind finds itself, it is surprising to find a Secretary of State complaining that the United Nations "has spent too much money."[12] And there is something sad in the fact that an Assistant Secretary of State finds it necessary to say to a Congressional Committee that "friendly governments whose values and principles we generally share have customarily taken a much more relaxed view than ours about the financial burden of contributing to [international] organizations . . . only the Soviet Union and its closest allies are consistently found on the same side with the United States in our persistent efforts to hold down costs in the United Nations."[13]

Footnotes at end of article.

IV. THE MANAGEMENT OF OUR U.N. POLICY

The present arrangements for U.S. participation in the U.N. system are deficient in a number of important respects. Some of these deficiencies can and should be corrected quite apart from any major reorientation in U.S. foreign policy. But some of the major recommendations suggested below would make sense only in the context of a U.N.-oriented foreign policy.

Washington policy-making arrangements

The central focus of policy-making for U.S. participation in the U.N. system rests in the State Department's Bureau of International Organization Affairs (IO), headed by an Assistant Secretary of State. The present occupant of this post has earned widespread respect as an able and dedicated career foreign service officer. He would be among the first to note, however, that he lacks the political "clout" to assert the multilateral interest at the highest level of decision-making. Moreover, despite his title, his mandate does not cover international organizations like OECD and OAS; it is confined to the U.N. system, and in practice is limited to less and less of that. Indeed, the past decade has seen a progressive erosion in the policy-making weight of IO in relation to the other bureaus of the State Department and the other parts of the Executive Branch. This trend has been aggravated by the failure of the present Administration to recruit any high-level talent from outside the government dedicated to the multilateral approach and by the reorganization of IO into agency directorates staffed by personnel seconded from other interested federal agencies. On the vast majority of items at issue in the U.N. system—whether it be disarmament, the Middle East, development assistance, environment or population—IO has become primarily a procedural channel to communicate policies which are established elsewhere. This is in sharp contrast to the situation that existed at certain periods in the 40's, 50's and 60's, when the Bureau was able to shape U.S. policy with special regard to our interests in international institution-building.

If the U.S. were to adopt a foreign policy giving high priority to the U.N. and other international agencies, it would make sense to create a new post of Under Secretary of State for Multilateral Affairs, with responsibility for U.S. policy in all multilateral organizations, regional as well as global, economic as well as political. This official would be the third-ranking officer in the Department of State and would assume responsibility for the overall direction of the Bureau of International Organization Affairs, the Bureau of Economic Affairs, the multilateral sections of the various regional bureaus, the Office of the Legal Adviser, and State Department functions relating to the environment, population, the law of the sea, fisheries and wildlife, and economic aid. If the occupant of this post were a person of national standing with direct access to the White House, and if his mandate were properly defined, he could do much to assert the "world order" perspective at the highest levels of government, not only within the Department of State but also in relations with other executive departments such as Labor, Agriculture, Treasury and HEW.

Even this reform will yield but limited results, however, unless the Department of State is restored to a more central position in foreign policymaking. If one takes the view that this and subsequent Presidents will insist that vital foreign policy decisions be made at the White House, then a foreign policy placing greater weight on multilateral diplomacy will require reforms there as well. A bold reform with substantive as well as symbolic significance would be the creation of an International Policy Council in place of the existing National Security Council, with a membership drawn from a wider circle of interests within the government than the NSC, and a staff more oriented toward multilateral considerations. If a formal change in title and structure are not deemed appropriate, it would still be desirable to have an expert in multilateral diplomacy as a senior member of the NSC staff devoting his full time to this subject.

U.S. Missions to international agencies

A U.S. foreign policy oriented toward multilateral diplomacy would require a major upgrading and revitalization of our missions to international agencies. The place to begin, of course, would be with the U.S. Mission to the U.N. A decade ago, the five Ambassadorial posts at USUN were occupied by Adlai Stevenson, Francis Plimpton, Charles Yost, Philip Klutznick and Jonathan Bingham. Stevenson, of course, was a man of world stature, but it is also significant that all four of his top associates brought exceptional professional qualifications to their assignments. It is no reflection on those who have occupied these posts in subsequent years to state the simple fact that a similar concentration of talent has not been assembled since.

But the problem with USUN goes much deeper. Over the last decade it has lost some of its best and most experienced officers at the staff level; by and large, it has not found equally qualified replacements. Service with USUN is not considered an asset to the career of a foreign service officer, and the lack of housing allowances in New York, coupled with the high cost of living, imposes a heavy financial burden. To make matters worse, USUN, as Table 4 indicates, has had to reduce its staff in response to budgetary economies at a time when the number and complexity of the items on the UN agenda has steadily grown. To give just one example of what this means, USUN has just four staff members assisting the Ambassador to the Economic and Social Council on the whole range of matters relating to trade, development, environment, population, law of the sea, and science and technology, including oversight of our interests in the UNDP and other voluntary funds to which the U.S. makes major contributions. These officers spend a considerable portion of their time trying to satisfy the General Accounting Office that U.S. contributions to the U.N. are well spent. The decline in the number of personnel at USUN and the lack of expertise in specialized areas of subject matter has meant a declining role for USUN in the policy-making process. In matters as diverse as disarmament, outer space, environment, and the law of the sea, USUN has been reduced to a transmission belt for decisions made in Washington.

TABLE 4.—USUN FUNDING

Fiscal year	Obligations	Authorized positions
1951	1,256,627	195
1952	991,798	180
1953	951,250	155
1954	797,085	115
1955	809,454	110
1956	811,056	108
1957	852,879	108
1958	925,401	108
1959	1,029,547	108
1960	1,148,898	108
1961	1,073,569	106
1962	1,200,348	117
1963	1,312,597	126
1964	1,347,231	126
1965	1,492,230	126
1966	1,610,478	126
1967	1,657,100	128
1968	1,635,800	128

Fiscal year	Obligations	Authorized positions
1969	1,635,763	121
1970	1,892,000	111
1971	1,961,996	111
1972	2,039,600	105
1973	2,093,000	105

[1] GSA assumed cost of USUN rent, utilities, guard service.

What has been said of USUN has even greater application to the U.S. Mission to the European headquarters of United Nations in Geneva. For years this Mission has been treated as a second-rate foreign service assignment, or, even worse, as a resting ground for the politically deserving. Yet more and more parts of the U.N. Secretariat are being located in Geneva and the conference schedule there is already more crowded than the one in New York.

Even if a major reorientation of U.S. policy toward multilateralism were not envisioned, it would still be in the national interest to strengthen our missions in New York and Geneva, in recognition of the simple fact that we will continue to participate in the U.N. system and that we have important interests at stake there. Special attention should be given to recruiting persons with the specialized professional skills necessary to cope with new subjects like the law of the sea, the environment, population, and science and technology. For certain positions, highly qualified talent should be brought from the universities, the scientific community, the professions and the business world for assignments of three to five years. On the budgetary side, it is time to stop our penny-wise pound-foolishness. Our interests in a more effective U.N. would be more than repaid by a modest increase in staff positions in the New York and Geneva Missions, and by housing allowances for USUN personnel without which service in New York will continue to be unattractive.

The selection of the U.S. delegation to the General Assembly offers another example of how lightly the U.S. now takes its participation in the U.N. system and of how relatively easy it would be to improve matters. While some of these appointments have been given to qualified individuals, they have too often been offered as a political reward to persons who could bring little or nothing to their service with the delegation. A typical case occurred a few years ago, when a businessman from the Midwest found himself assigned to the Sixth Committee. When asked by his assistant from the Mission whether he had any previous acquaintance with international law, the delegate answered, "I'm afraid not, I run a holding company." "That's all right," the Mission aide replied helpfully, "This is a holding operation."

If we want to take the U.N. seriously, the President should appoint the public members of the delegation on a merit basis, perhaps in consultation with the U.N. Association and appropriate academic and scientific groups. Moreover, the delegation should be chosen three to six months ahead of each Assembly. If this were done the members could be given their assignments and could prepare themselves in consultation with staff members in USUN and the Department of State. At the present time appointments to the delegation are made a few days before the opening of the General Assembly (on several occasions they have actually been made after the Assembly began), so that any serious preparation by the delegates has been impossible.

Recruitment of Americans for the international secretariat

The appointment of Rudolph Peterson and Bradford Morse to fill the two most important Secretariat positions occupied by Americans is encouraging evidence that the United States Government does give high-level attention to recruitment when it comes to these top posts. Unfortunately, the recruitment effort at lower levels is much less satisfactory. In the years ahead we will be faced with the problem of finding qualified persons to replace a whole generation of Americans who joined the U.N. in its early years and who are now approaching retirement. Yet the recruitment of Americans below the level of Under Secretary General has never received adequate attention from senior officers in the U.S. Mission and the Department of State.

In view of the national interest in a more effective U.N., a much more systematic effort is needed to identify key positions in the Secretariat where vacancies will occur and the qualified persons from the academic, scientific, professional and business worlds who can step into these assignments. Preparations for filling vacancies should be made months and even years in advance unless the United States is to become increasingly dependent on assigning foreign service officers to fill such posts. To assure that U.N. employment is sufficiently attractive for Americans (as well as for nationals of other high-income countries), we should take a more positive view about raising U.N. salaries in the higher grades. We should also explore the possibility of providing income supplements to match the difference between what an American earns in the U.N. and what he would earn in his regular employment. Finally, there is a need to attract more qualified young people into U.N. service. The creation of a U.N. Fellowship Program to which a small number of outstanding young people would be recruited by worldwide competitive examination would be an important step forward.

These observations apply not only to recruitment for the central U.N. Secretariat but also for the Secretariats of the whole U.N. system and of other international agencies. We should also encourage other countries to make better candidates available. It is bad enough that countries should dump their problems on international agencies; what is unforgivable is that they should dump their people there.

The role of Congress

Except for the activities of "Members of Congress For Peace Through Law," a group which still lacks broad membership and sufficient staff, there is little effort in Congress to stimulate more effective action through the United Nations system. On the contrary, the major Congressional impact on U.S. policy in the U.N. today is almost totally negative. Each year, in fifteen or twenty Congressional hearings, witnesses from the Executive Branch fight a series of desperate defensive actions to avoid cuts in U.N. appropriations or fend off legislation which would violate our multilateral commitments. Instead of carefully analyzing U.N. weaknesses and how they might be remedied, Congressional hearings usually focus on one or two current issues or become forums for across-the-board denunciations of the United Nations.

One reason for this situation is that U.S. assessed contributions to international agencies are part of the State Department budget and are subject to review in the State Department Subcommittee of the House Appropriations Committee. The U.N. part of the State Department budget has grown from one-sixth to one-third of the total over the last fifteen years. This has caused great concern both in the Congress and in the State Department bureaus concerned with budgets and Congressional relations, yet there is no reason why our contributions to multilateral agencies should be subject to the same levels of restraint as are applied to the budget of our foreign affairs establishment.

The time has come for the Executive Branch to explore with the Congressional leadership whether there is not some different way in which our U.N. contributions could be presented to the Congress. If these contributions could be removed from the State Department budget, the important issues involved in our participation in the United Nations could be dealt with more adequately than now seems possible in the House Subcommittee on State Department appropriations. It should be noted that this year, for the first time, the State Department budget is subject to the requirement of annual authorization as well as appropriation. It remains to be seen whether involvement of the Foreign Relations and Foreign Affairs Committees in approving our U.N. assessments will result in a more effective review of our participation in the U.N. system.

The role of the public

More effective U.S. participation in the United Nations system is the objective of one outstanding national citizens organization—the United Nations Association of the USA. The UNA does an excellent job of telling the story of U.N. activities to the American people through its bi-monthly magazine *Vista* and through the work of its local chapters. In addition, it has recently turned out a series of exceptionally professional and creative policy studies prepared by panels of distinguished citizens. These studies point the way to fundamental improvements in the U.N. and in U.S. participation. Yet, any sensitive observer must be aware of the anomaly that, as the UNA flourishes, the U.N. itself and the effectiveness of the United States in the organization continue to decline. Policy study follows policy study, but with very few exceptions the recommendations do not get turned into action.

The hard fact of life is that we have not yet found a way to translate support for multilateralism into the American political process. The trade unions, the corporations, the environmentalists and the welfare recipients of our country have all learned how to get the Federal Government to respond to their needs. The citizens interested in a stronger United Nations have not. Ralph Nader, however, has shown how hitherto ineffectual public interests can be given an effective voice and political clout. Perhaps the time has come to create a "Nader's Raiders for World Order"—a group that could keep a box score on how Congressmen vote on matters like our U.N. contributions and on legislation violating the Rhodesian embargo. If such an enterprise were properly run, it might attract broad support—particularly from young people who are looking desperately for some way in which they can help the United States play a more constructive role in the world. We might even consider making such a U.S. group part of a broad transnational effort linking similar groups in key U.N. member countries.

The United Nations and New York City

Until a year or two ago it was fixed U.S. policy to keep the United Nations in New York and oppose the location of U.N. functions in other parts of the world. Now, for the first time, the Congress and the Executive Branch are "thinking about the unthinkable—about whether it really serves U.S. or U.N. interests to keep the organization in New York and whether at least some major U.N. functions should not be located elsewhere.

This change of attitude reflects not merely U.S. disenchantment with the U.N., but U.N. disenchantment with the U.S. Delegates from African countries complain about racial discrimination; Arab delegates resent the pro-Israel environment of New York; and all delegations are increasingly concerned about the deteriorating quality of life in the city. In addition, the actions of the Jewish De-

fense League and other militant groups have greatly complicated the problem of assuring the security of U.N. missions and their personnel. At the same time, the local populace and the political leadership of New York seem less than fully reconciled to the financial burdens involved in police protection and in the granting of tax exemptions to U.N. mission property. Although New York City derives income from the expenditures here of the U.N. Secretariat and of U.N. missions, as well as from the tourism associated with the United Nations, this has not been enough to quiet complaints that the U.N. represents a net burden to New York City.

The failure of the United States Congress to appropriate the $20 million needed to expand the U.N. headquarters now brings this whole policy question into the open. The United States will need to decide within the next year or two whether it wants to prevent the transfer to Europe of U.N. divisions now located here. If we wish to avoid this transfer the Executive Branch will have to make a much greater effort to secure the necessary financing from Congress. If, on the other hand, the Executive Branch is unsuccessful in this effort or does not even wish to try, it will need to develop some coherent view about the future location of U.N. departments.

One possible approach would be to move within the decade of the 70's to a situation in which U.N. political funtions are located in New York and U.N. economic functions are clustered in Geneva. There is something to be said for having the UNDP and the Department of Economic and Social Affairs in Geneva together with the most important of the U.N. Specialized Agencies with whom they have to work. On the other hand, such an arrangement would make more difficult the recruitment of American personnel. It might diminish somewhat United States interest in and support for the U.N.'s economic work. It might also result in some additional costs if large numers of Secretariat personnel had to be brought back to New York periodically for meetings of the General Assembly and other organs dealing with economic issues.

An additional factor to be considered is whether Geneva is able or willing to absorb such additional U.N. units. If the answer is negative on either of these counts, removal from New York would mean removal to Vienna or to some other center outside the United States. This would be most unfortunate. The location of the United Nations Industrial Development Organization (UNIDO) in Vienna has not enhanced the effectiveness of that part of the U.N. Secretariat, and the removal to Vienna or to other cities of additional U.N. functions could only serve to undermine further the coherence and efficiency of the United Nations Secretariat.

The issues of the U.N.'s location are hard ones and require further study. The central point to be made here is that they should be confronted squarely by the United States, not resolved by default as a result of failure to meet our financial undertakings and hostship obligations.

CONCLUSION

If this essay has a central theme, it is that the main preoccupation of U.S. foreign policy from here on in should be the building of effective international machinery to manage mankind's common problems. Such a "world order strategy," we have argued, would have a better chance of success than a foreign policy based exclusively on the balance of power. But a world order strategy contains no built-in guarantee of success. Moreover, a major U.S. effort to strengthen the U.N. and other international institutions would not necessarily win us friends, at least in the short run. This should not deter us. We have become unpopular enough in a number of bad causes; we should not be afraid to become unpopular in some good ones.

We cannot know when, if ever, the fully effective United Nations that has been called "indispensible" will also become "possible." Nevertheless, we have an obligation to ourselves and our descendants to use all of our resources to press to the outer limits of the possible. This survey of U.S. policy toward the U.N. suggests how far we have to go before we have discharged that obligaton.

FOOTNOTES

[1] *The New York Times*, October 26, 1971.
[2] Editorial, December 29, 1971, p. 30.
[3] *The New York Times*, October 27, 1971, p. 16.
[4] Memorandum of December 4, 1971 meeting of the National Security Council's Special Action Group, reprinted in *The New York Times*, January 5, 1971.
[5] *U.S. Foregin Policy for the* 1970s, February 9, 1972, pp. 184–191.
[6] *The United Nations in the 1970s*, pp. 9–10.
[7] Memorandum submitted to the author, February, 1971.
[8] This $30 million figure is arrived at by adding the $12 million cash shortfall, the $16 million owed by the Republic of China, and the $2 million of the U.N.'s peacekeeping debts that are owed to private agencies rather than governments.
[9] *Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations*, pp. xi, 46.
[10] Id., p. 46.
[11] *U.S. Foreign Policy for the* 1970s, p. 190.
[12] Footnote 3, *supra*.
[13] Statement of Samuel De Palma before the Senate Committee on Appropriations on Fiscal Year 1973 estimates, March 20, 1972.

THE NOMINATION OF RICHARD G. KLEINDIENST—A RESOLUTION

Mr. SCOTT. Mr. President, during the Republican Policy Committee meeting held today, May 16, 1972, the following resolution was unanimously adopted and the Republican leader was directed to see that it is placed in the RECORD for this date.

Whereas the President nominated Richard G. Kleindienst to the post of Attorney General of the United States and submitted his name to the Senate for confirmation on February 15, 1972, and

Whereas the aforesaid nomination was by the Senate referred to the Committee on the Judiciary, which Committee acted favorably by a vote of 11 to 4 on April 27, 1972: Now therefore be it

Resolved, That the Republican Policy Committee, with the unanimous approval of all the Republican Senators present, strongly recommends that the Senate of the United States list the nomination of the said Richard G. Kleindienst for debate at the earliest practicable date.

AIR FORCE ACADEMY PROGRAM

Mr. GRAVEL. Mr. President, I invite the attention of Senators to an impending development at the Air Force Academy which deserves wide consideration. I refer to the planned scrapping of the innovative graduate program there which has a history of almost 10 years of success. The way this is being done has been so quiet as to almost escape notice. I daresay that most of the Members of Congress, which has a special concern for our military academies and their policies, are unaware of this significant step backward.

I say "backward" because the Air Force has pointed with considerable pride these past years to the initiatives it took to create cooperative graduate programs with a number of good universities in several fields. These included Georgetown University for joint graduate programs in economics and political science and with UCLA for a graduate program in management. A number of these same Air Force Academy graduates went on to Rhodes scholarships, Woodrow Wilson fellowships, Fulbright fellowships, and other distinguished academic programs. We were all proud of this and justly so.

From the civilian universities' standpoint they received a better image and understanding of the quality of our military academies and the abilities and interests of the soldier/scholar. Retention has not been noticeably less than those not in the program and in fact the Air Force has a longer claim on their time.

There has always been a struggle in the military generally and the military academies in particular on a false issue that is generally posed as, "Are we in the business of training Airedales or eggheads?" It now seems that the uncomfortable balance that was earlier attained at the Air Force Academy, at least, has been overturned—the Airedale proponents have won out.

Nor is this a small issue to be thought of in the same order of importance as the outcome of the next Air Force-Army game. I have long felt that the military could not have it both ways: Arguing on the one hand that the civilians were making too many military policy decisions while at the same time seeing to it that anyone of analytical bent and academic credentials does not gravitate to senior military positions. I see the present plan to dump the Air Force Academy graduate program as the most recent example of this paradox at work.

Mr. President, the increasing complexity of the Air Force is incontrovertible. The missions and the weapon systems of the Air Force have become increasingly sophisticated. Moreover, the increased sophistication of the weapon systems of the Air Force in itself implies several important changes: Support and logistical functions become more important; training of individuals becomes more expensive; and affirmative management of the Air Force becomes more crucial than ever before.

Given this situation, where the need for good management is becoming more acute and the costs of mistakes in management more burdensome, it is curious that the Air Force appears to be reducing its commitment to training and maintaining well educated officers. The phaseout of the cooperative graduate programs which allowed the best qualified Air Force Academy graduates to continue directly into graduate schools is mystifying.

The cooperative graduate degree program which annually placed over one hundred graduates in top graduate schools across the country was one of the most innovative programs of the Air Force Academy. It insured that Academy

graduates were well versed in a variety of specialties needed by the Air Force. In addition to the disciplines mentioned earlier these individuals were trained in such fields as aeronautical engineering and electrical engineering. And, with this early training they could meld technical expertise with the experiences to be gained from the operational Air Force.

There is also a philosophical question which arises in this context. Specifically, is it better first to gain Air Force experience as motivation for graduate education or first to gain the graduate training? There is no unambiguous answer to this question, but the answer chosen does give some clues to the desires and objectives of the Air Force. Providing graduate education early seems more appropriate to a dynamic institution that is looking for innovative ideas. Providing graduate education later in an officer's career, on the other hand, is more consistent with a static view of the world, one in which minor adjustments to past behavior are all that is needed. As we view the environment in which the Air Force will be operating, the former world where large technological and management changes are important is a better projection of what will happen, or at least of what is desired. In that world there is a clear need and payoff for the provision of graduate training early in the career of future leaders.

One other consideration is relevant; the costs of different education schemes. One of the largest costs of graduate education by the Air Force is the salary which is paid to the officer while he is in graduate school. These costs clearly rise quite dramatically with the length of service of an officer and early education is dramatically cheaper.

These are not the only costs. When an experienced individual is taken out of a specialty to go to graduate school, he must be replaced by another officer with the same training. This can be very expensive, especially in the case of pilots where training costs amount to several hundred thousand dollars. If instead individuals are given graduate training before pilot training, these costs are reduced. This is one of the great virtues of the Air Force Academy program; the program is skewed toward providing graduate training to individuals who will continue on to pilot training. Since the Air Force reserves most management and command positions for pilots, the education of pilots is very important to the future vitality of the Air Force. But the budget is not indifferent to the timing of this graduate training.

All-in-all the planned elimination of the cooperative graduate programs with the class of 1976 is hard to understand. Mr. President, this program was very much symbolic of movement toward developing an enlightened, imaginative and innovative officer corps within the Air Force and was clearly an example to the other services. To quash it at this point can only be taken as evidence for a reactionary movement—a movement that I believe will ultimately be against the larger interest of the Air Force Academy, the Air Force and perhaps the Nation.

SCATTERED HOUSING WORKS: THE ROCKFORD, ILL., CASE

Mr. PERCY. Mr. President, it is always a pleasure to come across instances in which Federal housing programs are working well to provide families with decent housing in a decent environment.

Rockford, Ill., is a case in point. Since 1965, the city's housing authority has put up 1,483 units of public housing. Of this total, 226 are scattered-site homes.

The housing authority faced some stiff opposition to scattered housing when it was first proposed. But the program was implemented through the efforts of an able community leadership.

Now it is impossible to distinguish scattered-site public housing from the surrounding rows of single-family homes throughout Rockford. Residents have fully accepted their new neighbors who are equally as anxious as they to maintain and protect their homes.

The key, according to an article by Thomas M. Gray in the Chicago Sun-Times, is pride of ownership. The low-income families inhabiting these public housing units are actually buying their homes.

A part of each family's monthly payment goes to pay the housing authority's cost of building the house, and when the note is paid off, usually in 25 years, the family will own the house—if it stays that long.

The Rockford experience shows that scattered housing can be successful.

Mr Gray reports:

The best test of the program's success, came last year when the housing authority returned to the city council for permission to build another 175 scattered units—again without discussing specific sites—and got approval.

I believe that the Rockford experience can be repeated in other cities throughout the United States, given community involvement and progressive leadership.

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

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

IT WORKS IN ROCKFORD—PUBLIC HOUSING SCATTERED

(By Thomas M. Gray)

ROCKFORD, ILL.—In December 1968, Rockford corporation counsel William E. Collins issued a legal opinion advising the city's 20 aldermen:

"The city council can't instruct the housing authority to do anything."

That terse opinion still stands, and the most notable result has been the construction of public housing in the form of duplexes and single-family homes scattered throughout this conservative industrial city of 150,000.

On Straathmoor Dr., for example, on the city's far east side where residential development shades off into rolling farmland, seven attractive two-story duplexes are set facing the sprawling Rockford Square Apartments. The duplexes are public housing; Rockford Square is the city's newest private apartment complex.

Across town on Searles Av., which at that point forms Rockford's corporate limit, Victor Schoomaker and his family live in a tidy, three-bedroom duplex, one of a row built amid apartment developments and single-family homes often valued beyond $35,000. The Schoomakers live in public housing.

226 BLEND INTO NEIGHBORHOODS

Scattered between Straathmoor and Searles are other, similar public-housing developments—for a total of 226 units—blending inconspicuously into neighborhoods ranging from relatively affluent to modest.

Not that Rockford was a pushover for the Rockford Housing Authority's modest but innovative approach to housing low-income families.

When the sites were announced in 1968, the housing authority was hit from the right by angry residents of neighborhoods where public housing was to be situated—and by their aldermen—not unlike Chicago's current dispute over public housing that would be located in similar manner.

Joining the opposition was four-term Republican Mayor Benjamin T. Schleicher, who blows hot and cold on scattered housing, depending, he conceded, on how he feels the electorate views the matter.

From the left came denunciations by community organizations and antipoverty groups of the authority's tenant-selection criteria that, in effect, exclude all but the most stable, job-holding applicants who tend to be more middle- than lower-class.

THEY'RE THE BEST-LOOKING ONES

Fears of neighbors that the well-designed homes constructed for the housing authority would downgrade their communities, to all appearances, would seem to be groundless. In some Rockford neighborhoods, in fact, the public housing stands out like a sore thumb—it's the best looking, best kept on the block.

Complaints by community organizations that the housing authority was excluding the lowest-income families were true and still are. William F. Lewis, the housing authority's executive director, readily admitted it.

The reason, Lewis explained during a tour of the housing, is that the housing authority was determined to make the experiment work. That meant not only building houses that fit into the neighborhoods but also residents who were compatible with their neighbors.

The result has been that there are few complaints from neighbors about specific families after they move in, although the scattered-site residents are 38 percent "minority"—mainly black—families, in a city where the black population is just under 9 percent.

There appears to be no discrimination in the placement of black applicants, although most wind up in the largely black southwest quadrant of the city or in racially mixed neighborhoods on the west side. Housing authority officials insist—and the head of the city Human Relations Commission agrees—that this is a matter of choice.

PAYMENTS PEGGED AT 22 PERCENT

Payments for the public housing are pegged at 22 per cent of a family's income and adjusted annually to reflect any change.

Public housing on a large scale is new to Rockford, and the scattered-site construction is only one part of it. The traditionally Republican city resisted the lure of federal aid until the mid-1960s, but since 1965, when Rockford became interested in both public housing and urban renewal, there has been a small-scale boom in housing construction.

At that point, there were only 200 units of public housing in Rockford, in one low-rise frame development that dated from World War II. Since 1965, the housing authority has put up 1,483 new units, and more are on the drawing boards.

Included in the new housing are 788 units for the elderly, in four high-rise buildings; 669 family-sized units in three "projects," and the 226 scattered site homes.

Even the family projects are small in scale compared with Chicago's giants, Robert Taylor Homes and Cabrini-Green. The largest is

210 units, built around ample open space, No building is more than two stories high, and they are designed so each family has a two-story apartment, with its own ground-level entrance.

DECISION TO SCATTER SITES TOLD

The decision to switch to scattered-site construction came, Lewis said, in response to criticisms that even these small projects concentrated low-income families too much.

Under the system that prevailed until recently in Chicago, that would have been the end of scattered sites. But in Rockford the housing authority needs no approval from the city council and certainly not clearance to be given for each site by individual aldermen, which was the case in Chicago from 1955 until a federal court intervened three years ago.

The Rockford Housing Authority simply went ahead, like a private developer, acquiring options on land throughout the city. It then got approval from the U.S. Department of Housing and Urban Development, which subsidizes construction.

The only official contact with City Hall came when the housing authority asked for an amendment to its "co-operation agreement" with the city to permit construction of 226 more units. No sites were mentioned. Only after all necessary steps were taken did the sites become public, and then the furor began.

"I'll say it got hot," Mayor Schleicher recalled. "The phones were jingling all day, to the aldermen, to me, to everybody."

OPPOSITION COMES TO PEAK

Opposition peaked in late 1968 and spring, 1969, well after the first family had moved into the first scattered-site home. Corporation Counsel Collins issued his no-interference opinion when the city council sought to pass a resolution limiting sites to two to a block and banning the homes on adjacent lots.

In March, 1969, a local election year, the city building department withheld four building permits for RHA homes on instruction from the City Council.

The council reversed itself after another legal opinion, and the permits were issued. In 1969 four Rockford residents also tried to stop construction in a Circuit Court suit, but the case was dismissed. Finally, with the election approaching, Schleicher reversed himself and called for a moratorium on further construction. At that time, 55 homes still were to be built.

None of it worked. The housing authority, backed by the two local papers and most "establishment" business and civic organizations, plowed ahead with its program, and by the end of 1969 the last of the homes was built and occupied.

It remains unclear exactly who was opposed to the scattered sites, but certainly not all and maybe not even most potential neighbors were. In August, 1968, when the first house was occupied by a young draftsman and his family, the neighbors threw a welcome party.

"Most neighbors have found that we don't bite, and we do keep our lawns up," reported Mrs. Janice Patton, a young black woman who heads the city's Human Relations Commission, and who lives in one of the houses.

Mrs. Patton called Rockford's scattered sites "a beautiful program" and added, "As a divorcee with three children, I would never have been able to buy a home of my own."

Mrs. Patton and the others inhabiting scattered-site housing are buying their homes, and that is the key part of Rockford's experiment cited by everyone involved to explain its success.

A part of each family's monthly payment goes to pay the housing authority's cost of building the house, and when the note is paid off, usually in 25 years, the family will own the house—if it stays that long.

EVENTUAL "ESCAPE" SEEN UNCERTAIN

The housing authority may find problems in its purchase arrangement. If the buyer sells, a new buyer starts the payments all over. With occupancy turnover rates between 5 and 8 per cent annually, it could be that few "buyers" ever really escape tenant status.

Residents are free to try to get a mortage on the private market, and the housing authority encourages this, Lewis said. The housing authority still would have first option to buy the property until 20 years after the original lease was signed. No families have gotten mortgages, and it seemed unlikely to those interviewed that they could arrange a mortgage with payments as low as those they make to the housing authority.

Nevertheless, it is the pride-of-ownership features, said Ray C. Graceffa, RHA deputy director, that distinguishes Rockford's program from the Chicago Housing Authority's scattered-site program, proposed a year ago but never implemented.

"You'll get a different kind of person in an ownership program," Graceffa said.

The Rockford Housing Authority's severe screening of applicants is also cited by officials to explain why housing authority residents mix well with their neighbors.

"They run a tight ship out there," Schleicher said, and he was not exaggerating. The housing authority not only carefully screens applicants, but it also continues to inspect the homes after they are occupied and will evict poor housekeepers.

The best test of the program's success came last year when the housing authority returned to the city council for permission to build another 175 scattered units—again without discussing specific sites—and got approval.

With U.S. District Court Judge Richard B. Austin's most recent order in the CHA desegregation case, the Chicago Housing Authority finds itself in a position of independence similar to the Rockford authority's if it wants to take advantage of it. The Rockford experience shows what the result might be.

PENSION REFORM DESERVES HIGH PRIORITY

Mr. BAYH. Mr. President, according to recent estimates, at least 30 million workers in the United States are participants in this country's private pension plan system, composed of no fewer than 34,000 different pension plans. But the shocking truth is that millions of couples who have carefully planned for their golden years of retirement find themselves instead relying on meager social security benefits to make ends meet. Officials in the Department of Labor admit that one-third to one-half of those who think they will be covered by pensions will eventually find out that they are not covered. According to the Labor Subcommittee of the Labor and Public Welfare Committee, the situation is even worse: As many as 95 percent of those who have left jobs in the past 20 years will never receive any benefits under the supposed pension plan of their particular company.

The Senate Subcommittee on Labor, under the able and distinguished leadership of the chairman (Mr. WILLIAMS), and the ranking minority member (Mr. JAVITS), has presented the Senate with an exhaustive and valuable study of private pension plans and has recently reported an excellent bill from committee. The study was authorized last year by the Senate in the wake of the 1969–70 business recession, when the failures of several large businesses brought to the light the inadequacy of present procedures for protecting workers' rights in private pension plans.

During that period of business failures, many workers with seniority of as much as 20 years or more found themselves unemployed and without any claims on their former employers' pension funds. Not only did some workers find that their pension rights, which they had reasonably relied upon for retirement income, were not protected; others, whose pension rights had been guaranteed, found out their employers had not set aside sufficient money for the pension fund or, in some instances, had squandered the money. In these cases there was no procedure for insuring that an employer handled the pension fund principal in a proper manner. A third problem which arose was that of workers who were able to relocate after losing one job only to find that many years of pension rights were not transferrable to their new job, thereby requiring that they begin anew, often when it was too late, to try to set aside a minimum retirement income.

Given these basic failings in private pension plans, it is clear that congressional action is needed to correct grave injustices which treat hard-working individuals in a most harsh manner. How grossly unfair it is to say to a worker, after 15, 20, or even more years at the same job, "Sorry, but that pension to which you and your employer have been contributing is not going to come through. All your plans for financial independence during retirement will have to be revised."

Because of my unwillingness to let such unfair practices continue, I cosponsored S. 2 with the able Senator from New York (Mr. JAVITS) to completely revamp the Federal approach to private pension plans. This legislation, prepared before the Subcommittee on Labor began its study, anticipated virtually all the major recommendations of the subcommittee.

Now, as Congress prepares to debate this crucial question, I would like to state briefly my support for six essential ingredients of this legislation if the drive for pension reform is to fulfill its goal of fairly protecting the maximum number of workers. I am pleased to note that both S. 2 and the reported bill endorsed all six of these ingredients, and hope Congress will oppose any proposals to delete or dilute portions of the legislation.

COVERAGE

All but the smallest private pension plans should be included within the scope of any Federal legislation. Millions of workers in small firms deserve the same protections as employees of our largest private industries.

VESTING

Employees should be guaranteed some percentage of their pension credits at an early date, with appropriate increases in that percentage for increasing lengths of service until full vesting is secured. It is relevant to note that the pension credits

of congressional employees are vested—that is, nonforfeitable—after 5 years on the job.

FUNDING

Private employers must accept the responsibility for making certain that the plans for their employees are adequately funded to meet both short- and long-term requirements. In many cases this may require immediate catchup payments to underfunded pension plans.

REINSURANCE

The entire concept of Federal protection for private pension plans will prove futile unless we provide reinsurance to protect workers from the financial failure of their employer or pension plan. Just as this has been done for years with regard to bank depositors, and more recently for stock investors, Federal insurance for pension rights is an appropriate means of protecting those who invest so much of their funds in their pension plans.

FIDUCIARY STANDARDS

With private pension assets estimated at $130 billion, with an expected increase to $250 billion by 1980, it is essential that all private pension plans meet a high standard of fiduciary responsibility. An essential balance for their standard is the full and candid disclosure by the responsible officials of the operation of all pension plans, including the nature of investments. Complete disclosure is in itself one means of protecting the public interest.

PORTABILITY

More than 30 million workers are currently enrolled in slightly less than 200,000 private pension, welfare profitsharing and other plans within the scope of the proposed legislation. Because of the number of workers and plans involved, and recognizing the mobility in our economy, workers should have the opportunity to transfer pension rights when changing jobs. Portability is perhaps the most important ingredient of any pension reform bill.

Mr. President, private pension plans are a permanent part of the American economic scene. They are the best means available to millions of workers and their families to ward off financial dependency in later life. Before another hard-working American finds his retirement plans dashed on the rocks of pension plans failure, we must move to correct the inequities and build into the American system of private pensions the means to protect the fundamental rights of American workers.

I commend the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) for their leadership in this effort and pledge to assist them in ultimately securing passage of a strong, fair reform of pension legislation.

THE FIGHT AGAINST INFLATION

Mr. BROCK. Mr. President, pressures to protect personal interests are multiplied during periods of inflation. In such an atmosphere of uncertainty many individuals feel constrained to: Seek higher wages, raise the prices of raw materials, and push profit margins on finished goods upward to absorb the unexpected.

The call of President Nixon to aid in the fight against inflation must succeed. Those who refuse to respect voluntary controls of wage-price guidelines must be brought into line to protect those who have chosen to comply for the health of the Nation. We cannot penalize citizens who have acted in good faith to protect not their interests but those of their friends, neighbors, fellow Americans, and their country.

We must act to confirm the values on which the faithful have placed their trust or we run the risk of eroding those values until they and the society are consumed.

Mr. President, I ask unanimous consent that a letter from Mr. Frank F. Idlestone to President Nixon, illustrating the difficult situation created when inflationary forces erode traditional values and traditional expectations, be printed in the RECORD.

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

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

FEBRUARY 7, 1972.

THE PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: We have followed with interest the anti-inflationary measures taken by the Administration during the past six months, and we want you to know we fully subscribe to the theory. At the same time, we are sure that you would like to be informed by someone other than your immediate advisors as to how this theory is working in practice.

Compared to some of our industrial giants, we are only a small manufacturing company. In our advertising, we constantly stress the fact, that we are American manufacturers, manufacturing slippers for American consumers, with American labor and American materials. We pay our taxes as American individuals and as an American corporation. Over the last few years we have been plagued by ever increasing imports from low-wage countries who were permitted to dump their wares on the American market without restrictions. This situation forced us to become a single plant unit, previously having been a multi-plant operation, employing a larger number of American workers.

The wage and price controls, as well as the 10% tax on imports, were welcomed by us as a necessary means of survival and when these controls were lifted, and you indicated your desire to keep prices and wages in line, we published our new price list for Spring and Summer 1972 without any increases, in the hope that our suppliers and our labor force would go along in supporting your economic program.

What a wonderful theory, but here is what happened in practice. When you lifted wage restrictions, our labor force felt very strongly that they were automatically entitled to the maximum 5½% increase allowed by the law, and they received it. Our suppliers in every field, such as cottons, synthetics, terry cloth, cardboard, embroideries, shipping cartons, threads, etc., in addition to their increases of 1971, have again increased cost since January 1, 1972 ranging from 5% to 25%. So here we are, a small manufacturer, on a constant merry go round. In spite of the United States currency devaluation, we are again competing with ever increasing imports, with higher labor and material costs which all but eliminated our profit margins, and we are still trying to comply with our Chief Executive's request to hold the line on prices.

We are not bright enough to figure out the answers! Won't you help us? May we please hear from you?

FORESTRY POLICY

Mr. GRAVEL. Mr. President, an article entitled "Forestry, Public Pressures, and Economic Development," written over a year ago, has come to my attention, and I should like to share it with Senators who come from timber States. The author is known to me as a good analyst. He was a senior staff investigator of the Public Land Law Review Commission during its existence.

In this article, Dr. Perry Hagenstein makes clear some telling points on the reconciliation of developmental and recreational forces surrounding forestry management. This important public policy issue is very much with us again today as we face the question of clearcutting and other practices. I ask unanimous consent that the article be printed in the RECORD as an addition to the dialog on this important matter.

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

FORESTRY, PUBLIC PRESSURES, AND ECONOMIC DEVELOPMENT

(By Perry R. Hagenstein)

Now that environmental quality has come to be a major public issue it is somewhat incongruous that a meeting is devoted to the relationship between forestry and economic development. But this is the sort of incongruity that has long been a problem for those who must weigh public pressures as they attempt to define forestry policies. Forestry has always been subject to public pressures and to public intervention, and we have long recognized a conflict with environmental values in the use of forest land to support economic development and economic growth.

Forestry in the United States grew up in a crucible of public pressures, which at one time primarily concerned current and future national economic development. At that time forestry was at the very heart of the conservation movement, which required the mobilization of public pressures to bring about improved practices in the use of natural resources. Today we are in the midst of the second great conservation wave of the century and forestry is again a matter of political concern. Public pressures are forcing changes in what we have only recently come to accept as good forestry practices and in the public policy objectives that have been established for forestry programs.

Perhaps because of their early role in the conservation movement in the United States, foresters were among the first to recognize the conflicts between environmental and economic objectives and to try to resolve them. Nevertheless, public forestry policies and programs were built largely around the objective of economic development, in the sense of contributing to both national and regional economic growth. But for a variety of reasons the formal expressions of public forestry policy, especially those in federal administrative regulations, typically were vague and uncertain as to the relationship between forestry and economic development.

The lack of clearly defined objectives at one time may not have been critical. Conflicts among possible objectives that could be served by the use of forest lands were not terribly important in many cases. But today, with the growing public pressures for improving the quality of our natural environ-

ment, conflicts are often sharp between meeting this objective and meeting other public policy objectives on forest lands. The failure to identify clearly the objectives of forestry policy poses a problem not only for the analyst and the interested citizen but for those who must in the end choose among alternative courses of action.

The early leaders of forestry in the United States were primarily concerned with the use of forest lands to meet industrial and commercial needs and with regional development objectives. In a 1905 letter to the head of Forest Service, who had just been given responsibility for administration of the national forests, the Secretary of Agriculture emphasized that "all the resources of forest reserves are for use . . ." and that "the water, wood, and forage of the reserves [should be] conserved and wisely used for the benefit of the homebuilder first of all." He went on to note that "the continued prosperity of the agricultural, lumbering, mining, and livestock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations." And Gifford Pinchot, Chief Forester during this period, often stressed his commitment to the use of the national forests for commercial purposes.

Pinchot's commitment to use of the national forests was partly a matter of political judgment. In reviewing the history of an amendment to an 1897 appropriations act (which became the basic management authority for the national forests) he noted that it included a provision for keeping the national forests open for mining and wrote, "Excellent. What was needed above all things was local approval and support of the Reserves, and use was the key to that" [13, p. 118]. Pinchot recognized the importance of public pressures and responded to them, but his beliefs concerning the importance of use of forest land went beyond this. Samuel Hays, in *Conservation and the Gospel of Efficiency* [7], states, "Pinchot's opposition to 'preservationists' and his support of grazing interests did not arise merely from his search for political backing for the transfer [of the national forests from the Department of the Interior to the Department of Agriculture]. These attitudes reflected his basic view that the reserves should be developed for commercial use rather than preserved from it. During the first years of his contact with the forests, in fact, Pinchot felt that his major problem was to restrain the influence of those who wished to leave them in their natural state, untouched by lumberman or stockman. At every opportunity he stressed the utilitarian value of the forests" [7, p. 41]. At another point, Hays says, "The conflict between recreation and commercial use Pinchot found to be extremely hazardous to resolve, but he firmly argued the commercial use of the public lands should precede their use for recreation."

Despite this seeming commitment to commercial use of forest lands to meet requirements for industrial raw materials and to support regional development, foresters have never been very comfortable with economic objectives for forestry programs. Until the post-World War II years, the federal government was the chief employer of foresters and the public lands were not as important as they now are as a source of timber. While the objective of public forestry programs may have been economic development, in fact public foresters were nurtured on a diet of land management that was devoted largely to protection and caretaking rather than use of forest lands to meet various demands. Even on private lands forestry did not come of age as an economic enterprise until the 1950's. In an appraisal of the status of private forestry programs in 1939 Ralph Marquis stated, "The forest industry at the present time is undergoing a great change. . . . It is not until the virgin stands of timber face exhaustion, not until the remaining stands are absorbed in private ownership or government reserves, not until the remaining forests are far removed from consuming centers that economic forces permit the practice of forestry on a profitable basis" [11, p. 166]. He was right, and it was these conditions in the 1950's that brought private industrial forestry to the point where investments in forest management were being made on the basis of economic judgments rather than on the basis of biological mysticism.

Although industrial owners who must have raw materials if their business is to continue became interested in forestry, trees still grow slowly—so slowly, in fact, that the rate of tree growth over a long period of time seldom exceeds the level of interest rates obtainable on other types of investments. Prior to the 1950's foresters had made attempts to remove certain economic impediments to the practice of forestry. One of these was property taxes, which were seen as encouraging the depletion of timber resources [4]. As a result of the studies that were made a number of states provided special methods of taxing forest lands. Another approach was governmental assistance to forest landowners in the form of technical advice and management or in the form of subsidies for certain forestry practices. This was in addition to federal support to the states for forest fire, insect, and disease protection programs, which lowered the risk to the landowner of making investments on his land. But neither the modifications of property taxation nor the various forestry incentive programs were wholly successful in overcoming economic barriers to forestry practices on nonindustrial private lands. Foresters tended to regard the objective of economic development and the process of economic analysis with skepticism.

On public forest lands there was also resistance to economic development as a clearly defined policy objective even after the economic rationale had been accepted on private industrial forest lands in the 1950's, despite the strong timber production rationale in statutes providing for the acquisition and management of federal forest lands. The failure of economics to gain a strong foothold in forestry decisions on public lands in the 1950's must be laid in part to rapid increases in the use of forest lands for outdoor recreation, for which a traditional market system did not exist. Public pressures built up rapidly for using public lands to supply outdoor recreation opportunities, although the chief statutory objective for these lands was timber production. In response to the need to recognize outdoor recreation as an appropriate use of public forest lands Congress passed the Multiple Use and Sustained Yield Act of 1960 [15]. But in so doing it denied economic development as an overriding policy objective and failed to provide a substitute. The 1960 Act states that "consideration be given to the relative values of the various resources, and not necessarily to the combination of uses that will give the greatest dollar return or the greatest unit output." In defining sustained yield as "the achievement and maintenance in perpetuity of a high level annual or regular periodic output," the Act defines one objective for the management of national forest lands, but other objectives that might help in choosing among possible combinations of outputs are left to the imagination of the program administrator and the analyst.

When we look elsewhere for guidance as to what constitutes the objectives of public forestry policy, we find that present overall levels of financing on the national forests suggest that the appropriations process, at least, gives greater consideration to those activities that produce a commodity that is valued in the market place than to other possible uses of the national forests. On the other hand, the allocation of appropriations among various investments opportunities provides some evidence that in fact economic criteria may not be the major guidelines followed by the Forest Service for forestry investments. The Public Land Law Review Commission obtained estimates of expenditures on timber management activities of the Forest Service by major regions of the country. For 1967 estimated timber management expenditures were allocated to the major Forest Service regions as follows [21]: North 10.4 percent; South 16.4 percent; Mountain 30.3 percent; Pacific 42.9 percent. In 1968 a special study prepared by the Forest Service as part of its Planning-Programming-Budgeting System classified investment opportunities for timber management intensification on the national forests according to the potential yield in terms of intest rates. This study indicated that $210 million could be invested in timber management on the national forests and earn a return of at least 7 percent and that $339 million could be invested and return at least 5 percent on the investment. The regional distribution of these investments would be as follows [12]:

[In percent]

	Return of at least 7 percent	Return of at least 5 percent
North	12.9	12.4
South	41.4	27.1
Mountain	14.8	23.9
Pacific	30.9	36.6
Total	100.0	100.0

Estimates of the actual timber management expenditures show that 73.2 percent of the appropriations were allocated to the Mountain and Pacific regions together, although the estimate of the allocation that would be made if it was required that 7 percent be earned on timber management expenditures was 45.7 percent. If 5 percent were the guiding rate, 60.5 percent would be allocated to these regions. Although it seems clear that the allocation of timber management funds among regions is not based only on economic criteria, the actual basis on which the allocations are made is unclear. While the 26.8 percent of the funds allocated to the North and South regions is reasonably close to the proportion of commercial forest lands on national forests in these regions (22.4 percent), the proportion of funds allocated to the two western regions is not clearly related to the area of commercial forest lands. Nor do the proportions of timber sold or total area of national forests shed much light on these allocations, as shown in the data below for the national forests:

[In percent]

Region	Total area	Area of commercial forest land	Timber sold, 1967
North	5.9	10.2	6.1
South	6.5	12.2	8.5
Mountain	53.3	43.8	23.4
Pacific	34.3	33.8	62.1
Total	100.0	100.0	100.0

Timber management expenditures undoubtedly have effects on resources or uses of forest lands other than timber, and the allocation of funds among regions perhaps reflects these effects too. But one must at least suspect that there is an unwillingness on the part of those who make public forestry decisions to use economic criteria even where the particular output of forest lands is one that enters into commercial channels. The Public Land Law Review Commission

asked its advisory groups to respond to the question: "To what extent should timber management, timber disposal, and investment in timber production on the public lands be guided wholly or largely by economic considerations?" It was understood that this question concerned timber as a separable, and commercial, product of the forest. The Department of Agriculture replied that ". . . we do not believe that maximization of returns on investment in timber is wholly compatible with the purposes for which the National Forests were created. In this sense, economic considerations may encounter an immediate and basic conflict with longstanding conservation principles of multiple use and sustained yield. We feel that the public interest is best served by attempting to optimize the combination of all benefits under the multiple use concept, even though it is difficult to quantify the intangile values which should weigh heavily in resource decisions on public lands."

The question to which the Department of Agriculture was responding may well have been based on a misguided notion that the objectives of forestry programs on public lands can be compartmentalized and treated individually as though they bear no relationship to other objectives. In fact, timber management and disposal programs have an effect on other outputs of public forest lands. On the other hand, public funds are invested in specific programs designed to improve the quality, quantity, and timing of timber production from public lands for commercial purposes. A more responsive answer to the question might have discussed how economic considerations conflict with the "conservation principles of multiple use and sustained yield." Or it might have discussed the basis on which "intangible values" would be weighed along with economic values. The lack of such responses can almost surely be laid to the Department's discomfort with economic development as an objective of forestry policies in the face of public pressures related to environmental values.

Contribution to regional income generally has fared no better than contribution to national income as a specified objective of public forest land management. While "community stability" has been recognized explicitly in federal law as an objective to be served by some public forest lands [16], it has not been the basis for a recognizable policy of regional economic development. At least in part this can be attributed to the difficulties of identifying and measuring regional economic impacts [19]. Although regional economic impacts have been at issue in forestry decisions for years, the development of useful and practical decision models and information has not really progressed far enough to give those who make public policy and program decisions the opportunity to accept or reject expected impacts on regional income as a guide to their decisions. Necessarily, much of the research that has been done has been descriptive [3, 14]. The use of regional input-output analysis in forestry decisions is promising, but data collection is often expensive and the usefulness of the data limited to a specific decision or two [6].

To sum up to this point, although the production of timber, a marketable commodity, was long identified as the major objective of forestry programs on federal lands, the economic rationale for management decisions was never developed very explicitly. In view of mounting public pressures for an improved environment, the lack of an explicitly developed economic rationale for some past decisions on federal lands is now proving to be a troublesome problem. One example involves clearcutting, a timber management practice that is now a focal point for the expression of public pressures on public forestry policy.

Clearcutting, one means of harvesting timber to assure regeneration of desirable tree species, has come into disrepute among environmentalists. It was the subject of hearings by a subcommittee of the Senate Interior and Insular Affairs Committee in April and May 1971. The hearings focused in part on a report, prepared by a select committee made up of University of Montana faculty members, evaluating timber management practices on the Bitterroot National Forest. This committee was critical of the practice of clearcutting because of its severe environmental impacts, but it notes that "very little has been said about the economic aspect of the practice [of clearcutting]" in a Forest Service review of management practices on the Bitterroot. The committee concludes that "the only way to justify the practice is to *ignore* economic analysis as a tool of decision-making" [2].

However, when viewed in terms of the existing Forest Service statement of objectives, one can readily see how economic analysis might be ignored even with respect to investments in timber production and such practices as clearcutting. The following objectives that provide the umbrella for specific programs [18]:

1. Promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future.
2. Protect and improve the quality of air, water, soil, and natural beauty.
3. Help protect and improve the quality of the open space environment in urban and community areas.
4. Generate forestry opportunities to accelerate rural community growth.
5. Encourage the growth and development of forestry-based enterprises that readily respond to consumers' changing needs.
6. Seek optimum forest landownership patterns.
7. Improve the welfare of underprivileged members of society.
8. Involve the public in forestry policy and program formulation.
9. Encourage the development of forestry throughout the world.
10. Expand public understanding of environmental conservation.
11. Develop and make available a firm scientific base for the advancement of forestry.

Of the 11 stated objectives, 7 are actually statements of program scope (e.g., "develop and make available a firm scientific base for the advancement of forestry") or means of accomplishing objectives (e.g., "seek optimum forest landownership patterns"). While at some point it is important to identify the scope of an agency's programs and the means it will use in pursuing its objectives, it is disquieting to find that program scope is confused with objectives. Two of the remaining objectives involve equity considerations ("generate forestry opportunities to accelerate rural community growth" and "improve the welfare of underprivileged members of society"). While one might argue that these objectives imply a relatively limited view of public policy on equity matters, both are within the scope of Department of Agriculture policy and reflect recent policy directions.

Of the remaining objectives, one ("protect and improve the quality of air, water, soil, and natural beauty") might well be viewed as a subset of the other ("promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future"). The latter is so general that one must look further to determine whether it has any meaning.

A list of 12 subobjectives in the Forest Service Manual provides some help. First it provides all of the kinds of physical outputs or uses that can be expected on forest lands, ranging from timber and minerals to recreation and wilderness. Beyond this, however, we find the same kind of perplexing objectives as in the major list. Again, there are statements of program scope (promote high quality multiple use "on other ownerships") and activities ("share expertise" and "cooperate with others"). With respect to specific commodities, the objectives are to "develop and promote national programs that meet the nation's need for timber" or to "help insure water yields of the quality and quantity needed." Again the objectives are general and fail to specify a context in which "needs" can be considered. Are needs to be considered within the context of a market economy? Are needs for timber and water to be weighed in the same manner? And what weight should be given to long-run needs as contrasted with short-run needs?

Whatever the present rationale for federal forestry policy, neither economic development nor economic growth is mentioned as an ojective in the policy directives of the major forestry agency in the country. Perhaps this is not so surprising if one considers the kind of public pressures on government agencies as a result of public concern with environmental quality. As the president of the Sierra Club stated with respect to the recent report of the Public Land Law Review Commission: "The basic premises and assumptions of the Report are wrong. The Report assumes that the twin evils of (1) population growth and (2) the notion of a limitless, ever-expanding economy are here to stay. . . . The basic conclusion of the Report is that the one-third of the nation's land belonging to the Federal government must be utilized to the full for production of commodities, and if necessary sacrificed, to satisfy the fires that glow in memory of the archaic Chamber of Commerce cliche that economic growth is necessarily always progress, necessarily always good and necessarily always desirable" [1].

In view of this kind of concern with economic growth as an objective of forestry policy, which has always been sensitive to public pressures from conservationists, one can understand why policy statements might well be couched in terms that hide economic development as a policy objective. On the other hand, economic development is a general federal policy objective that has been given statutory recognition. It is clearly an objective for which public pressures exist just as they do for environmental objectives, although public interest in environmental objectives overshadows that for economic development today. Public forestry policy should reflect both economic and environmental objectives.

If we decide that economic growth is still one valid public forestry objective along with others, and clearly identify it as such, we are still faced with the problem of comparing it with other valid objectives. Do economic models provide the best starting point for an analysis of public policy issues that involve economic and other objectives, especially those related to environmental quality?

K. William Kapp [9] argues that economic theory still is inadequate for dealing with environmental and social costs of public policy. He writes, "Both micro- and macroeconomics fall back upon the formal concepts of 'externalities' and of cost benefit analysis, but the fact of the matter is that the theoretical presuppositions and logical framework of pure economics from which these concepts are derived are too narrow and too static to be useful for the study and interpretation of the processes that give rise to environmental disruption and social costs." Having disposed of economics as a basis for establishing public policy objectives and for the analysis of policy issues, Kapp turns hopefully to an analysis of government itself to provide some clue as to a theory of social choice. He writes: ". . . the fields of public administration and administrative behavior in general provide the empirical material in the light of which it may

be possible to erect a general theory of social value" [9]. Even if the circularity of this notion (look at government program objectives to find out what the objectives should be) could be overlooked, current federal forestry policy does not suggest that this provides a good starting place. The translation of public pressures into identifiable objectives of public forestry policy has not been accomplished. As the uses of forest lands have become diverse and the level of use has increased since the early part of the century, the objectives of public forestry policy have necessarily grown more complex. But as these objectives have developed beyond the original one of assuring that timber would be available to meet the objective of national economic development, the expression of policy, both in statutes and in administrative directives, has become increasingly vague.

In at least one other area of federal responsibility for natural resources this has not occurred to the same extent. For federal water resources projects the basic criterion is that "the benefits to whomsoever they accrue shall exceed the costs" [5], but this criterion and procedures for analyzing projects have been progressively improved over the years in the "Green Book," Senate Document 97 [17], and more recently in a statement of procedures being developed by the Water Resources Council [22]. The development of these procedures and the definition of criteria for evaluating projects has been the subject of open debate and discussion [8, 10]. Both procedures and criteria have been changed and improved as public policies have changed in response to public pressures. The fact that development of the framework started from an economic analysis base has not precluded building in environmental considerations as public pressures have shifted. If anything, the preparation of environmental statements to meet the requirements of the National Environmental Policy Act has shown the utility of having a defined analytical framework already available.

Finally, some consideration should be given to the institutions created to serve the forestry policy objectives of the federal government. The two chief institutions are public ownership of a large area of forest lands and cooperative programs for federal sharing with the states of the cost of forest protection and rehabilitation. Of these, land ownership is most significant because it is largest, and it is here that public pressures are greatest. Federal ownership of forest lands and timber resources now includes some 20 percent of all forest lands in the United States suitable for the production of timber products, some 40 percent of the total volume of wood fiber in standing trees, and some 60 percent of the total volume of softwood saw timber, an important input to the construction industry and the mainstay of the lumber and plywood industries. Federal ownership of forest lands came about as a result of the concern at the turn of the century with timber production and a belief that the nation could run out of timber. Just as forest land can be used in many ways to meet a variety of objectives, however, the institution of forest land ownership has proven that it too can be used in various ways. As leisure time and personal income have increased, the public demand for outdoor recreation has increased. Lands that were placed or retained in federal ownership for quite different purposes have been valuable in meeting recreation demands.

The pattern of federal land ownership, however, has been relatively inflexible. While uses on a tract of federal forest land can be readily changed, the pattern of ownership itself is not readily changed. This is evident in the work and recommendations of the Public Land Law Review Commission, which was charged with recommending needed changes in federal laws and policies with respect to the retention or disposition of federal public lands. Long before the Commission published its report [20] and indeed well before the Commission had reached even tentative conclusions, the chairman of the Commission made public statements that the Commission was not going to recommend disposition of the national forests. Despite the fact that some 85 percent of the national forest lands and some 95 percent of all federal lands are located in the western one-third of the country, serious consideration was never given by this Commission to the possibility of trading some of these lands for lands in the eastern part of the country where public pressures for outdoor recreation are greatest. The chairman and other commissioners, and even most of those in its advisory group who favored substantial disposition of the remaining unreserved public domain lands, tacitly recognized that major shifts in the ownership pattern of the national forests are politically untenable.

The inability to change significantly the ownership pattern of public lands has considerable significance for the identification of public forestry policy objectives. The fact that public forest lands are not evenly distributed throughout the country determines in part the objectives that can be met by these lands. In particular, this means that regional economic development will necessarily be an important objective of forestry policy because public forest lands are concentrated in underdeveloped regions of the country. Further, the existence of direct control over significant forest land areas is likely to lead to emphasizing some public objectives rather than others. The large federal role in supplying outdoor recreation opportunities, for example, is directly related to the fact that there was suitable land in federal ownership at the time public demand for outdoor recreation was increasing rapidly. Control in the hands of vigorous federal agency leadership looking to an expansion in its responsibilities assured that the federal government would play a large role in supplying outdoor recreation opportunities. That the Public Land Law Review Commission found that public sentiment apparently strongly favors continued federal ownership of forest lands—so strongly that the Commission believed recommendations to dispose of a significant part of it would be futile—suggests that existing ownership patterns can be accepted as public forestry policy is modified to meet changing needs.

The level and variety of uses of forest lands will surely continue to increase in the future. And there will be a continuing need for a public forestry policy that is responsive to public pressures. But until we have a new system of social accounting that will broaden our concepts of economic development so as to include other environmental and social values now outside of our concept of economics, the validity and usefulness of economic development in terms of both national and regional economic growth should be recognized. Without a clear commitment to economic development as one of the objectives of public forestry policy, we have no clear policy at all. Each additional response reflecting public pressures will add to our confusion as to the content of public forestry policy. And like Buridan's ass, who could not choose between two equidistant bales of hay, forestry as a useful practice will wither away for the inability to choose among possible courses of action.

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COMMUNITY CORRECTIONS CENTERS IN ILLINOIS

Mr. PERCY. Mr. President, recently I had the opportunity to visit three community corrections centers operated in conjunction with the Department of Cor-

rections of Illinois. In these centers, offenders and exoffenders live and work in the community with limited supervision while undergoing counseling by teams of professionals. The visits gave me a chance to talk with the residents of these homes at considerable length. I was able to get a better understanding of the impact that these programs have had on the residents of the centers and also what it will mean when these people return to society having had the advantage of this type of correctional program.

Illinois has been a leader in the reform of the correctional process. Under the very dynamic and far-sighted leadership of Governor Ogilvie and the Director of the Department of Corrections, Peter Bensinger, Illinois now stands as a model State in the field of corrections. Not only have projects like the ones I visited been successfully operated in various communities, but new prisons have been built which will be more than just warehouses. They will be places of change, places of rehabilitation rather than just punishment.

I visited the DART program which is located at the Isham Memorial YMCA in Chicago. DART stands for Drug Abuse Residential Treatment. In the year and 5 months that it has been in operation, the project has served a total of 228 exaddicts. The success rate has been a phenomenal 89 percent, which means that almost nine out of every 10 people have left DART to lead meaningful and lawabiding lives. The program concentrates on the exaddict inmate, and provides extensive counseling services. Through a multi-phase approach, the participants are prepared to live a more productive life in the community.

The Duncan Way Community Center, also in Chicago, has a current resident population of 15 men and four women. Since the program was started in 1968, 584 residents have been served. The residents are all parolees who need a place to live in the community while they look for work and a permanent residence. The residents contribute to their room and board, while receiving the benefits of extensive counseling services.

The last project that I visited was the Joliet Work Release Center which is located on the Lewis College Campus in Lockport. With a yearly turnover of 55 men, 92 percent have stayed in the community as responsible citizens. Here also, the residents work in the community while paying to the center a part of their salary to help defray the cost of their room and board.

In all of these projects, not only were the men and women preparing themselves for reentry into the outside world, but they also had the personal satisfaction of contributing to the welfare of their families. A sense of belonging and responsibility becomes ingrained in them, and this may well be the crucial factor which helps them to lead law abiding lives in the future.

Mr. President, if what we want in our correctional process is vengeance, then we can feel comfortable with ancient buildings with men locked in cages. But if what we want are places and programs that produce rehabilitated men and women who can contribute to their communities, then we need more of these types of programs. They are proving themselves to be the most productive and imaginative of any of the new ideas in corrections. Again, I congratulate Governor Ogilvie, Peter Bensinger and all who are connected with these programs for their fine efforts in this area.

So that Senators may have the opportunity to review these programs in depth, I ask unanimous consent that certain materials explaining these and other Illinois correctional projects be printed in the RECORD.

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

THE COMMUNITY CENTERS PROGRAM, ILLINOIS DEPARTMENT OF CORRECTIONS

BACKGROUND

In June, 1967, with the signature of then Governor Kerner, Illinois became the first state to provide governmental sponsorship for a joint halfway house—work release program of correctional rehabilitation. The following year both programs became operational on an autonomous basis with joint funding under the auspices of the Division of the Criminologist, Department of Public Safety. With the creation of the new Department of Corrections on January 1, 1970, the Division of the Criminologist was absorbed into the Adult Division of that department. The Community Centers (Halfway House) Program, together with its sister serivce, the Work Release Program, presently operates as part of the Office of Field Services, which has authority for all post-institutional services on behalf of all adult offenders committed to the Illinois State Penitentiary System. Since July, 1970, the Community Centers and Work Release Programs have operated on separate funding bases in order to facilitate the distinctly different focuses and services of the two programs.

DESCRIPTION OF THE COMMUNITY CENTERS PROGRAM

The Community Centers Program presently is made up of four separate centers: two in the Chicago area; one in Rockford; and one in Peoria, Illinois. All with the exception of the Rockford facility are housed in YMCA's. The latter center is situated in two large frame houses adjacent to the business and commercial area of that city. Programs and services are essentially similar and are modified only by the type of facility and neighborhood the center is located in. Resident capacities are twenty males and five females at the Westside Chicago center; twenty males at the Southside Chicago facility; six males in Rockford; and fifteen males at the Peoria center. There is, incidentally, little demand for our type of service for the female adult offender. Rarely do we function at full capacity in the provision of female services at our Chicago center.

The primal focus of the Community Centers Program is upon the most disadvantaged of the prison population: those lacking any adequate parole resources. According to Illinois statute, in order to be released from prison on parole, an individual must have approved residence and/or verified employment. As is well-known to many persons in the correctional field, individuals incarcerated for any length of time tend to lose touch with many things in the so-called free world, including resources which can be beneficial upon their eventual release. The increasing numbers of such persons in our prison system and the staggeringly high rate of their return to prison were factors that brought the Community Centers Program into being in the first place. Thus, anyone who had been granted a parole and who is lacking in approvable parole resources in terms of residence or employment is invited to apply for admission to our program. Due to limitations of staff and monies we are unable to process applications of any who have not yet been granted a parole.

Consideration of those awaiting parole hearing has also been avoided so as to preclude any influence on the part of one State agency upon the workings of another, in this case, the Parole and Pardon Board. However, all individuals who do apply are corresponded with and, if and when they are granted parole, their applications processed.

Criteria for admissions to the Community Centers Program are minimal. We prefer only that an individual be in reasonably good health or employable; be in fairly sound mental health or not in need of psychiatric aid; and that he be devoid of any other acceptable resources in terms of parole. If any individual is in need of physical or vocational rehabilitation, other agencies such as the Division of Vocational Rehabilitation or Goodwill Industries are better equipped to assist in these cases.

Duplication of services and efforts are also avoided in cases where the Department of Mental Health may be more professionally adept at provision of services. Likewise, if a choice is to be made between admitting an individual with some positive parole resources available and another who has none, the latter would be given preference for entry. Little significance is attached to either the nature of the offense or the extent of criminal background and involvement.

Where possible, efforts are made to acquaint those individuals accepted into the program with their future counselors prior to their release from the institution. Even when this is not possible, all candidates are thoroughly briefed as to what they can expect to encounter upon entry into a center program. There is, incidentally, no mandatory period of time that a resident must remain within the center program; however, the average length of residence approximates sixty days. Upon arrival at the center, a new resident is given an orientation tour of the facility and introduced to all staff members. He is assigned to a counselor who will continue to work with the resident throughout his stay. The counselor is responsible for assisting the resident with any and all problems which might be expected to confront a former offender who is attempting to make his reentry into the community. An employment relations representative is available to the two Chicago centers to provide services in the area of job counseling and placement, thereby freeing the counselor of these particular efforts. The average number of cases assigned to any counselor at a given time numbers six.

During his initial stay at a Community Center, the State assumes the cost of residence and food services for each resident. Special efforts are made to acquaint residents with changes which have occurred during their incarceration and the desirability of carefully budgeting themselves to a style in keeping with earnings, anticipated or actual, and their needs. At the time of a resident's first paycheck, he is expected to assume responsibility for his own food cost. By his second paycheck, he is expected to be in a position to accept the obligation of paying for his own room rent. Emphasis is also placed upon the necessity of savings in order to provide for the eventual move from the center to a room of his own choosing. As is evident, the "weaning" of the resident from dependent inmate to independent and self-functioning free agent is a programmed process.

Wherever possible, efforts are made to draw from the local community whatever resources are needed to assist residents in their readaptation to society. These efforts involve

both public and private sectors, individual and group services, and professional and volunteer offerings. Whenever possible, the resident is encouraged to make his own choices and decisions, based upon a discussion of alternatives with his counselor and, perhaps, other staff persons. Every effort is made to have the resident help himself, rather than meekly accept decisions about his life that are made by others. Only where the resident's personal resources are tremendously outmatched by bureaucratic mazes, red tape, or incompetency on the part of others, professional or otherwise,—only then does the counselor intercede on behalf of the resident, and then it is *with* the resident, not in lieu of.

It is the philosophy of the Community Centers Program that the intrinsic goal of a service such as ours is the enhancement of the individual's ability to function adequately on his own behalf. Everything that furthers the attainment of this objective is desirable. However, it is also recognized that each individual that enters our program enters at a different level of self-competency. Once in the program, progression towards greater self-adequacy is more rapid in some, less so in others.

Thus, it is absolutely essential that each individual is treated as just that, an individual. It is recognized and acknowledged that each of our residents possesses dignity and worth as a person, and it is our job to further the ability, self respect, and societal value of that resident in the extremely short time that he is with us.

A sense of trust is essential to the type of rehabilitative function which is performed by a service such as ours. In order to bring about and perpetuate such a feeling of trust, the accent in all centers is on informality and a sincere interest in other persons. Generally, all staff members are on a first name basis with each other and with residents, and vice versa. Each man is assigned a private room, with his own key, and is expected to maintain it on a somewhat orderly basis. The sole exception to this is in our Rockford center which, due to spacial limitations, houses residents two to a room. Here, also, keys and expectations of obligations are presented to each of the men. Whenever possible, where a decision is made that might be expected to affect all or most of the men in residence, opportunities are made to allow the residents to voice their opinions and participate in the decision making process.

SENATOR CLINTON P. ANDERSON DAY IN LOS ALAMOS, N. MEX.

Mr. MONTOYA. Mr. President, recently, the city of Los Alamos, N. Mex., proclaimed April 8, 1972 as Senator CLINTON P. ANDERSON Day in Los Alamos.

On that historic date, the distinguished senior Senator from New Mexico was honored by his many friends in the State of New Mexico.

Dignitaries from all walks of life gathered to pay homage to Senator ANDERSON, who has long been considered a special friend and supporter of all the common people of New Mexico. On April 8, they too appeared in force to honor a man who has spent close to a quarter of a century in the service of his State and country.

During Senator ANDERSON'S tenure in Congress, he has been active in many fields of congressional endeavor. Yet, one associates him primarily with unending dedication to establishing America's preeminence in the field of atomic energy. It is an established fact that no man has done more than Senator ANDERSON to insure development of nuclear energy, both for civilian purposes on land and in space, and for our national security.

Because of his total dedication to this field of endeavor, Senator ANDERSON enjoys the respect and admiration of the entire scientific community. Commissioner James T. Ramey of the Atomic Energy Commission expressed the sentiments of that scientific community when he paid tribute to him on Senator ANDERSON Day. In his remarks, Commissioner Ramey details the progress of the United States in the field of atomic energy and the role played by Senator ANDERSON in guiding such progress.

I know my colleagues woud be most interested in reading this tribute paid to the senior Senator from New Mexico. I therefore ask unanimous consent that Commissioner Ramey's remarks and a resolution adopted by the AEC honoring Senator CLINTON ANDERSON be printed in the RECORD.

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

REMARKS BY JAMES T. RAMEY, COMMISSIONER, U.S. ATOMIC ENERGY COMMISSION AT SENATOR CLINTON P. ANDERSON DAY, LOS ALAMOS, N. MEX., APRIL 8, 1972

Mr. Chairman, distinguished guests, citizens of Los Alamos, and fellow members of the nuclear community at large.

It is a privilege and honor for me personally, and on behalf of the Atomic Energy Commission, to be one of your principal speakers here on Senator Clinton P. Anderson Day at Los Alamos. It is a special pleasure to be with so many old friends, including Congressman Chet Holifield, Tom Morris, Harold Agnew and many others.

Having listened to the introductions today, reminds me of a story that Senator Anderson has told on himself from time to time. The Senator was out here in New Mexico some years ago running for the Senate the second time or so, and was stumping the State to help the ticket. He was accompanied by a politically unknown fellow who was running for some supervisory job. They stopped at a small town and were introduced to the audience of a few hundred by the Mayor. The Mayor got up and launched into a fulsome introduction of the main speaker as a "man who," had been a great conservationist, had supported the national defense, and was interested in atomic development as well as the affairs of the State. As he reached the climax of his introduction, the Mayor stated, "I therefore have the honor to introduce to you the Honorable"—and then he paused and whispered to the two speakers: "Which one of you guys wants to go first?"

Needless to say, I don't believe we will have any problem of identification today!

Indeed it is difficult in a way to say much more than has already been said concerning Senator Anderson. I thought it might be appropriate to provide some personal reminiscences concerning Senator Anderson's career in atomic energy, particularly his role as a member and Chairman of the Joint Congressional Committee on Atomic Energy. This covers a period of more than 20 years.

I also want to present a resolution adopted by the Atomic Energy Commission concerning Senator Anderson's contributions in the atomic energy field. And finally I will have a special announcement to make.

In my remarks today I thought I would cover certain facets of Senator Anderson's abilities and contributions, some of which are well known, and others not so much so. Thus in my opinion he was a good executive, but he also was one of the best Senatorial interrogators in the business. It goes without saying that he was a consumate politician and legislator, with interests in both the nation at large and also in his home state including a place called Los Alamos. Perhaps his most interesting characteristic was that he was a fighter for what he thought was right, a characteristic which has tended sometimes to overshadow his other poritive and creative contributions in the field of science and technology.

SENATOR ANDERSON AS INTERROGATOR

Senator Anderson's interest in atomic energy, of course, goes back to his days in the Truman Cabinet, when he was consulted on the A bomb and its aftermath. Although he was appointed to the Joint Committee in 1951, it wasn't until the Dixon-Yates case in 1954 and 1955 that some of the Senator's investigative abilities going back to Teapot Dome days became well known in the field of atomic energy.

I have no desire to revive an old controversy which predated my tenure on the Joint Committee staff. I mention the Dixon-Yates case only because it illustrates Senator Anderson's ability as an interrogator. Thus, in one hearing I am told on good authority that one investment official was most reluctant to answer questions about certain alleged conflicts of interest; whereupon the Senator would begin to shuffle a sheaf of papers with a knowing look and thereupon the witness began to be more forthcoming. I further understand that the papers that caused the broker to "sing" were either blank or were excerpts from the Atomic Energy Act of 1954!!

NUCLEAR POWER AND PRICE-ANDERSON ACT

I first became acquainted personally with Senator Anderson back in 1956 when he hired me as Staff Director of the Joint Committee. He told me that the atomic power program seemed to be floundering, that he had appointed Bob McKinney to chair a Panel to come up with some studies and recommendations on the peaceful atom, and that he wanted me to take a look at a bill known as the Gore-Holifield bill to accelerate the atomic power program. He indicated that he wanted an expanded program that would stimulate the utilities and AEC to action, and also provide a means of protecting the public and industry in the unlikely event of an accident.

It wasn't long thereafter until we were off and running with hearings on a modified Gore-Holifield bill, and a proposal to provide for a Federal indemnity over and above private insurance. (I can remember discussing the Shippingport nuclear power project which was then being completed, and which I had had a hand in negotiating.) The bill to accelerate the atomic power program as reported out by the Joint Committee sailed through the Senate but foundered in the House by a relatively close vote. The indemnity bill was put over to the next year; and after further hearings in 1957, including consideration of improved safety procedures, was enacted as the Price-Anderson Indemnity Act.

It is interesting to note that the Price-Anderson Act not only provided "no fault" protection to the public but also it made ACRS safety reports public and required a mandatory public hearing on AEC licensing of nuclear power plants. It is also of interest that though the Anderson version of the Gore-Holifield bill did not get enacted, the interest engendered did tend to stimulate AEC and the Administration and the utilities to greater support of the civilian atomic power program.

The more than 125 nuclear power plants which have been ordered or are under construction or in operation are a tribute to the vision and leadership of Senator Anderson and Chet Holifield and their colleagues. And Clint and Chet et al are still supporting the program. A few weeks ago in testimony be-

fore the Senate Interior Committee, one of its newer members was giving me a hard time on the safety of nuclear power plants. Senator Anderson came to the rescue, inquiring as follows:

"Senator Anderson. Has your experience with the Shippingport Reactor been satisfactory? It has been expensive, I know. Is it safe?"

"Mr. Ramey. Shippingport was the prototype power plant for the current generation of commercial reactors. It went into operation in 1957 and it has been running as a prototype and experimental reactor ever since. It was built under Admiral Rickover's direction. It has operated very safely. The safety procedures that were established for its operation have, in effect, served as a model for our regulatory process."

"Senator Anderson. And the reactor that was set up near Chicago now, I think that has the same experience? Is that thing safe?"

"Mr. Ramey. Yes, sir, that is the Dresden Plant located near Morris, Illinois, about 50 miles south of Chicago. The original Dresden One reactor, which was around 180 to 200,000 electrical kilowatts, went into operation, I believe, in 1959 or 1960. It has been running now for about 11 years, and has operated very safely."

"Senator Anderson. Mr. Chairman, I spent a long time with this. I do think Commissioner Ramey and Commissioner Doub are very capable."

"Senator Bible. We are very happy to have your point, Senator Anderson. I don't know any of us who have a greater background in atomic energy than you do, sir."

It was during this 1956–60 period that I became acquainted with Senator Anderson's office in the Capital known as the "cubbyhole." Here he transacted some Committee business, mostly on an informal basis, with members of both Houses and both parties. I can recall Senators Hickenlooper, Aiken and Dworshak, and Congressmen Stubby Cole, VanZandt and Hosmer visiting at times, as well as such regulars as Chet Holifield, Mel Price, Carl Durham, Tom Morris and Wayne Aspinall and Senators Pastore, Jackson and Gore.

On occasion here Clint would reminisce about his poker games with Harry Truman et al. At one of these sessions I once asked the Senator why he gave up being a Cabinet member to run for the Senate. He answered that among other reasons he began to get tired of phone calls at 2 or 3 a.m. from the White House, and they weren't about poker, but more likely about the price of pork or beef.

THE NUCLEAR NAVY AND ADMIRAL RICKOVER

An example of Senator Anderson's fighting abilities involved his long continued support of our nuclear Navy and its controversial leader, Admiral Rickover. In early 1958 he and Chet Holifield, Scoop Jackson and their associates on the Joint Committee began to plan their strategy for the continuance of Admiral Rickover as head of the joint AEC-Navy nuclear program. The Navy brass had claimed they could not legally promote Rickover to Vice Admiral and therefore he would be out at the end of 1958.

I can recall assisting in a draft of a speech for Senator Anderson stressing the theme of the need for continuity in the technical direction of this important technological program. The Senator was kind in his review of the draft, but he said nobody would listen. We should bide our time, he said.

Our time came in the summer of 1958 when the White House released an announcement that the Nautilus had gone under the North Pole, and that a ceremony at the White House honoring the Nautilus' Captain, Commander W. R. Anderson, was scheduled. (Commander Anderson is now Congressman Anderson.) Somebody leaked the guest list for the ceremony and it showed that Admiral Rickover was not invited. So we were off and running on a speech on the Senate floor reentitled "The Little Man Who Wasn't There." In that speech Senator Anderson stated in part, after commending Commander Anderson:

"It was somewhat saddening to me, therefore, that Admiral Rickover was not invited to the White House ceremonies honoring the Nautilus' accomplishment . . . the President's press secretary explained there was not sufficient room to accommodate the man who is credited with being the father of nuclear seapower."

"I thought it was surprising that when the crew got together, there was not room for Admiral Rickover, because he does not take up much space. I doubt whether Admiral Rickover weighs over 125 pounds . . . It seems to me when they squeezed the other people in that room, they might have squeezed in the man who has done a magnificent job in making us first in one of the modern-day sciencies. Instead, he became 'the little man who wasn't there.' We have all heard of the 'little man who wasn't there.' We have had a little verse or two about him. There are people who wish he would go away. Maybe they wish Admiral Rickover would go away."

"In the past the old guard attempted to force this man out of the Navy. They have not forgotten, and apparently will not rest until they rid the Navy of this man. Congress saved him before and it is my hope that, if necessary, Congress can save him again . . ."

"Mr. President, the fight to gain recognition for Admiral Rickover has just begun. I hope it will not become as controversial as that of Billy Mitchell, or Robert Oppenheimer. But we must see that justice is done, and that our young pioneers are encouraged."

At the end of his speech the Senator introduced a proposed Joint Resolution awarding Admiral Rickover a special Congressional Medal, and also language for a bill which could be construed as enabling his promotion. The Joint Resolution was joined by a large bi-partisan majority and was subsequently enacted. The Navy apparently got the message and within a couple of weeks he was promoted to Vice Admiral without additional legislation. And Vice Admiral Rickover is still running the Navy nuclear program!

I wish I had time to dwell on the many programs of interest here at Los Alamos, and elsewhere, which Senator Anderson has supported. The controlled thermonuclear program and Dr. Tuck's role and the biology and medical program and Dr. Wright Langham come to mind as activities in which Senator Anderson was interested. And, of course, the outstanding work in the field of fission and fusion weapons development at Los Alamos, and the electro-mechanical locks known as PALS which Harold Agnew helped develop, were activities strongly supported by Senator Anderson. I know how much the Senator appreciated briefings by such scientists as Jane and Dave Hall, Al Graves, Carson Mark, Stan Ulam, Max Roy, Darol Froman, Rod Spence, Keith Boyer, Dick Baker and many others.

In the time remaining, I would like to cover briefly a few of the other creative contributions of Senator Anderson, namely his efforts on desalting the sea with nuclear power, on developing nuclear rocket technology, and finally the Meson Facility.

NUCLEAR-DESALTING PROGRAM

Senator Anderson's interest and support of nuclear-desalting is an example of how a layman, albeit a well informed one, can provide original ideas on the application of technology. Clint had been one of the original sponsors of desalting research in the Anderson-Aspinall Act of 1952. As a part of the McKinney Panel study in 1955, he asked the Los Alamos Laboratory to examine the use of nuclear reactors to make potable water from the sea.

It was fortunate that Phil Hammond was assigned by Norris Bradbury to prepare a statement on nuclear-desalting which appears in the McKinney Report in 1956. This statement indicated that when reactor technology was extrapolated to larger plants and especially with breeder technology, dual purpose nuclear-desalting plants would be technically and economically feasible.

One of the first things Senator Anderson asked me to do in 1956 was to visit Los Alamos and talk to Phil and Frank DiLuzio about this nuclear-desalting concept. I might add I have been talking to them ever since. The Senator has been following the program through the years and was instrumental in supporting the Bolsa Island project and the new proposals for demonstration plants along the Pacific coast, in the Gulf of California and in Israel. And someday we will achieve what Father Hesburgh has called the Holy Grail, linking the atom to the seas to provide a virtually inexhaustible supply of energy and a limitless source of fresh water!

SPACE AND NUCLEAR ROCKET PROGRAM

The space and nuclear rocket programs, and Senator Anderson's support of them, hardly need any recounting here at Los Alamos. Ever since somebody in Albuquerque leaked the word in 1956 that Los Alamos was working on a classified nuclear rocket, this project has been of great interest locally and nationally.

What may not be so well known was the fact that Senator Anderson with some help from the Chairman of the AEC almost had the Joint Committee and AEC responsible for the emerging space program after Sputnik. As a matter of fact, the Joint Committee on Atomic Energy held one of the first series of hearings on the development of rocket technology for outer space. These hearings represented one of the times in my experience that Senator Anderson of the Joint Committee and Admiral Strauss of AEC were in entire public agreement on a project. Senator Anderson was thinking of putting space under the Joint Committee and Admiral Strauss was interested in the space development program being under AEC. Their mutual interest was short-lived, however, since the then Senate Majority Leader Lyndon Johnson apparently had different ideas on the subject.

I suppose one of the more significant phases of the nuclear rocket program occurred during President Kennedy's visit to Los Alamos in 1962. This visit was at the invitation of Senator Anderson, and the President decided to have an impromptu budget conference during his tour. This session developed into a lively debate between the "doers and the doubters" with Harry Finger, yours truly and Raemer Shreiber and the Los Alamos representatives arrayed against the Office of Science and Technology and Harold Brown of the Defense Department.

Perhaps Senator Anderson was being a bit charitable when he wrote the Laboratory a few days later: "I was very pleased by the visit of the President to Los Alamos. I was particularly happy we could have a discussion of Project Rover where both sides of the controversy could be developed." At any rate, the result of the conference was that the program once more survived in its "Perils of Pauline" career. I would hope that for the future we can keep our Pee Wee nuclear rocket program going at a reasonable rate here at Los Alamos until bigger things come our way.

MESON PHYSICS FACILITY

Perhaps the latest and greatest interest of Senator Anderson has been in the Meson Physics Facility, or factory as we used to call it. I had the privilege of attending the ground breaking ceremony for the Facility in March 1968 which interestingly enough took place indoors because of snow. Senator Anderson was invited by the Laboratory to attend the ceremony and replied:

"I may break a leg but I will be there. I have already told people I want to be there.

I will be there, and thank the Lord there will be no speeches at the luncheon."

One of the more dramatic examples of Senator Anderson's interest in Los Alamos occurred in the fall of 1968 in regard to the Meson Facility. Although construction had officially started, and additional funding had been authorized and appropriated by the Congress, the Bureau of the Budget withheld additional funding pending further review. The outgoing Administration withheld these funds not because of any antipathy toward the Meson project, but in order that the incoming Administration might have the opportunity of reviewing the project. Nevertheless, the delay caused considerable concern—the delay of several months in an inflationary period would likely mean higher bids and a consequent construction overrun; the Senior Staff was concerned over the delay and there was talk that some of the scientists might be lured away to Weston or SLAC; it seemed that after working so long and getting so close that the whole project was in danger of being cancelled. At that point, Senator Anderson made a special trip to Texas and discussed the matter personally with President Johnson. No one knows what he said to the President, but a few days later the BOB released the funds and construction contracts were signed.

Since those days four years ago, we all have the Meson Facility under the able direction been pleased at the progress of the work on of Dr. Rosen and his colleagues. All they have to do now is to get that beam going by this summer.

In concluding my remarks today I would like to present to Senator Anderson a resolution by the Atomic Energy Commission signed by the four Commissioners and Chairman Schlesinger in which we express our appreciation for the many significant contributions he has made in the field of atomic energy. I won't read it, but it is being flashed on the screen. (Copy attached.)

Finally I have a special announcement to make which we hope will come as something of a surprise: Chairman Schlesinger and the Members of the Commission and its Staff did some studying recently on the naming of the Meson Facility.

We sought the advice of the White House and President Nixon, and consulted with Senator Anderson's colleagues on the Joint Committee and, of course, with the Laboratory Director and his associates, regarding a name which would symbolize all our interests in the peacetime aspects of basic science here at Los Alamos for the benefit of the entire Southwest and Rocky Mountain Regions, and nationally and internationally. All of us came to the unanimous conclusion that we should name the Meson Physics Facility the "Clinton P. Anderson Meson Physics Facility" and that is what we intend to do!

Thank you very much.

RESOLUTION ADOPTED BY THE U.S. ATOMIC ENERGY COMMISSION ON MARCH 28, 1972, IN RECOGNITION OF THE SERVICES OF THE HONORABLE CLINTON P. ANDERSON TO THE UNITED STATES OF AMERICA

Whereas the many friends, associates, and constituents of Senator Clinton P. Anderson are honoring him for more than three decades of public service to his Nation as a member of the House of Representatives, Secretary of Agriculture, and United States Senator; and

Whereas in all these high positions of public trust Senator Anderson has demonstrated devotion to the public interest, unquestioned integrity, wisdom, and a firm dedication to a strong and vigorous Nation; and

Whereas for nearly a quarter of a century Senator Anderson has been personally involved in overseeing and guiding the development of nuclear science and technology in the United States as a member of the Joint Committee on Atomic Energy; and

Whereas his leadership in the Congress and his unfailing support of the Nation's atomic energy programs over the past two decades have helped to establish the preeminence of the United States in the development of nuclear energy; both for civilian purposes on land and space, and for national security; and

Whereas, as Chairman of the Joint Committee on Atomic Energy, Senator Anderson continued and enhanced the tradition of excellence and effective legislative oversight which the Joint Committee has maintained since its inception;

Now therefore be it resolved, that we, the members of the United States Atomic Energy Commission, do hereby extend to Senator Clinton P. Anderson our deepest appreciation for a lifetime of public service to his State, his Nation, and the free world.

JAMES R. SCHLESINGER,
Chairman.
JAMES T. RAMEY,
WILFRID E. JOHNSON,
CLARENCE E. LARSON,
WILLIAM O. DOUB,
Commissioners.

THE BURKE-HARTKE BLUES

Mr. PERCY. Mr. President, in a column published in the May issue of Nation's Business, James W. Riley, senior economist of Merck & Co., Inc., has effectively pinpointed the glaring deficiencies of S. 2594, the proposed Foreign Trade and Investment Act of 1972. I ask unanimous consent that Mr. Riley's cogent analysis of this legislation be printed in the RECORD.

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

THE BURKE-HARTKE BLUES

(By James W. Riley)

Supporters of the Burke-Hartke bill in Congress see a rosy future for the U.S. economy if it becomes law.

They say that if the foreign operations of U.S. companies are curtailed and imports restricted (major aims of the bill), exports will expand and employment will grow.

The main thesis underlying such arguments is that multinational companies directly threaten U.S. employment by manufacturing products abroad or licensing their know-how to foreign firms.

Unfortunately, the Burke-Hartke bill resembles the infamous Smoot-Hawley antitrade legislation of the 1930s, which is blamed by most economists for worsening the economic conditions in the U.S. during the Depression and indirectly causing depressed conditions around the world.

The Burke-Hartke bill also would be a disaster to the American economy. It would weaken incentives to increase productivity and to innovate and would add to the nation's inflation problem.

Probably the most destructive part of the proposed legislation from the standpoint of innovative American companies is the threat to take away incentives to discover new products and processes. Under Burke-Hartke, the President could remove U.S. patent protection from products made or licensed abroad. Thus, the choice for U.S. companies would be to manufacture the products they invent either at home or abroad. They couldn't do both as they do today.

The Burke-Hartke legislation, by effectively preventing overseas use of U.S. patents, would enable producers abroad to profit from discoveries revealed in U.S. patents. If foreign markets were cut off, U.S. research costs would have to be recovered from a lower volume of sales at home. This would help push prices higher.

The record shows that increased investment overseas raises total employment, both here and abroad. While new foreign investment directly creates jobs abroad, it also increases the number of U.S. jobs by increasing the demand for U.S. materials, equipment, and know-how.

Currently, more than 25 per cent of U.S. exports go to foreign subsidiaries of U.S. firms—exports that wouldn't be possible without overseas investment. Equally important, foreign investment—by increasing employment and incomes abroad—also adds to the demand for a vast array of U.S.-made goods and services; this leads to still more job opportunities in the U.S.

Burke-Hartke would restrict overseas investment by U.S. firms through new taxes and regulations. Existing U.S. tax laws are designed to permit subsidiaries of U.S. firms to complete with foreign companies on a reasonably equal basis. And reciprocal tax treatment is built into foreign treaties, the justification being to encourage international competition for the benefit of consumers everywhere.

Any restriction by tax or regulation on foreign investment eliminates rather than creates jobs. True, investment anywhere, no less in this country than abroad, affects specific jobs—if someone hadn't invested in a plow, people would still be hoeing fields. But the only way we can have a rising standard of living is by encouraging investment that frees people from less productive jobs to accept more productive ones.

Multinational corporations' favorable impact on U.S. employment usually is ignored by critics. Exports from the U.S. by multinational corporations increased 180 per cent between 1960 and 1970, compared with a much smaller increase in all U.S. exports. At the same time, multinationals increased their domestic employment by an estimated 31 per cent—over 2½ times faster than the 12 per cent increase in all U.S. jobs.

Additionally, very few of the goods manufactured abroad by foreign affiliates of U.S. corporations are shipped to the U.S. Only 6 per cent of all foreign affiliate sales in 1957, and only 8 per cent in 1968, became U.S. imports.

Burke-Hartke would also discourage imports by establishing quotas. Under quotas—France introduced the world to this antitrade tool in 1931—only limited quantities of a product may be imported, and these quantities usually are divided among various supplier countries.

Competition among countries for portions of quotas leads to retaliation and loss of export market. Then, one retaliation leads to another and so on until trade is strangled. Restrictions of this kind encourage the formation of monopolies and cartels, anticompetitive international groups that the U.S. has worked to eliminate.

Those calling for import controls even at the expense of the consuming public do so by claiming to represent the public interest. The nation should be self-sustaining, they say, have production needed for defense, etc. Their goal is really to protect specific companies or industries.

Or it is claimed that foreign goods are "un-American"—produced by low-paid labor, unfriendly nations, or sold at unrealistically low prices. Typically these latter charges are more assertion than fact. But, to the extent that unfair competition truly exists, remedial laws currently on the books should be vigorously enforced.

By protecting inefficient industries, import controls not only force U.S. consumers to pay higher prices, they allow protected industries to become less efficient. This leads to still higher prices, greater distortion in resources allocation, reduced consumer choice, and inevitably to declining employment.

If we are ever going to reach full employment, we will not do it by cutting ourselves off from world markets as proposed by the Burke-Hartke bill, but by competitive trade.

SEA MAMMAL PROTECTION HEARINGS IN ALASKA

Mr. GRAVEL. Mr. President, I have just returned from 2 days of hearings in Alaska on sea mammal protection legislation. As might be imagined, Alaska will be affected more than any other State by the legislation which has passed the other body and is now before the Senate Commerce Committee.

It is important that whatever legislation will pass in this subject not be abusive and hurtful to the Alaskan Natives who have for centuries harvested the various species of ocean mammals. Not only must we look after the subsistence rights but we must also assure that we do not destroy the fragile arts and crafts industry which is so much an integral part of rural Alaska.

Sunday's report in the Washington Post by Lael Morgan provides a glimpse of the Eskimo view of the legislation and is representative of the testimony we gathered during these hearings. So that this might be brought to wider attention, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, May 14, 1972]

MAMMAL PROTECTION ALARMS ESKIMOS, INDIANS

(By Lael Morgan)

NOME, ALASKA, May 13.—"This conference, whatever you call it, is something I don't know too much about," began Edwin Tunguk, 80, a weathered Eskimo hunter from Goloyin who, like many of his people here this week had to struggle with English.

"I deeply concerned when they talk about the seals though. I know that much white man is not a fool. He got big head. Someone outside in United States wants to cut this seal hunting off. They must have seen something I haven't."

Edwin Tunguk was but one of many Eskimo and Indian hunters who laid aside their harpoons and rifles last week to travel by bush plane, dog sled and snow machine to testify before the U.S. Senate Commerce Committee on the proposed Sea Mammal Protection Act.

The legislation, which passed the House in the form of a five-year moratorium on the taking of all sea animals, would permit subsistence hunting by Alaskan natives of all but endangered species. The act would preclude trading and interstate commerce in sea mammal products.

Alaska Sen. Ted Stevens, ranking Republican on Commerce's subcommittee on oceans and atmosphere, said that while it is not customary to take local testimony when Congress is in session, many natives could not afford to travel to Washington and assessment of local impact on the legislation is needed. Alaska Sen. Mike Gravel is also participating in the hearings, which are being held in Nome, and Bethel and Juneau.

"We never waste anything. The meat we don't eat we use for trapping as bait. By carving (walrus tusks) the people buy staples, gas and fuel oil," explained Sharon Orr, a pretty Eskimo housewife representing several families who camp on Northeast cape, St. Lawrence Island.

"For generations, we have been taught to conserve because we live off the environment. If this bill passes we will have to be solely dependent on welfare. The people do not want to live on welfare. It kills their pride in themselves."

"The land claims bill has passed, but we natives have yet to see any money," said Peter Seganna, a King Islander. "Everybody thinks we're rich. We're rich in culture, which we are about to lose through you. But they estimate we'll only get $475 with the settlement."

Robert Willard, a Tlinget Indian representing the Alaska Commission on Human Rights, testified that the only income for 10,000 natives comes from manufacture of arts and craft items, mainly from sea mammals and byproducts. He contended that over half of all Alaskan natives receive some income from this source.

Many Alaskan villages depend on walrus, whale and seal for about 90 per cent of their diet, according to testimony.

"Just as many Caucausians can't get used to eating native food, we can't get used to eating beef and pork," Vern Kugzruk, a Nome native testified.

"We use the blubber to preserve our food because many of us do not have ice boxes," explained Emma Willoya of Grevig Mission. "Our greens and a lot of our meat is put away for later use in seal oil."

And seal oil, it would appear, is as important to health in the Arctic. A sizable trading business has been established between coastal Eskimos and inlanders who trade game and furs for seal oil to supplement their winter diets.

"We have survived to this day with an abundance of sea mammals," observed Frank Degnan, Eskimo leader from Unalakleet. "Our students on return from other parts of the world where our food is not in use ask for it on arrival. Some of our Eskimos get education and need to live outside to improve their status but they still like their muktuk, seal oil. . . . Some of them flippers (whale fluke) may be a little stinky, but they like it and kauk, that's a walrus hide we like to eat . . ."

"How do you spell that (Kauk)?" Sen. Stevens asked.

"We don't spell it, we eat it," Degnan replied.

The fur of the seal and skins are also essential for winter clothing. Witnesses said it's unequalled as protection in Arctic weather.

Some Eskimos struggled to find mainland parellels that might explain how limited hunting would affect them.

"It's like telling a coal miner you can only dig enough to heat your house but you can't sell any," one said.

"Learning to hunt and carve are equivalent to a Masters in college," maintained Paul Tuilana, a walrus hunter with 35 years experience from King Island. "Now this bill has taken away my diploma."

The status of hunters is like that of football players. In many villages the young people look up to them and sometimes they are village leaders, reported Jerome Trigg, president of Bering Strait Native Association.

Testimony explaining the close tie between tradition and economics of the Eskimo hunt came from David Stone, a whale hunter.

"In Point Hope, our very lives revolve around the migratory cycle of the oceanic mammals," he said, reading haltingly from a speech prepared by his village council. "There are virtually no jobs available in Point Hope. The 1970 manpower survey showed 64 per cent of the population had an average income of under $3,000 and the cost of living is double that of Seattle. Obviously, it is virtually impossible to meet the cost of oil, rent, lights and food without any monetary supplies. Any money that we can gain from our limited use of the sea mammal products is sorely needed."

Although it is the second largest whaling community in the state, Point Hope produced just 2,000 pounds of muktuk (edible whale skin) for sale to other Eskimo villages last season. At $2 per pound for resale, the total return per villager was $23.53, Stone said.

"We have always hunted only for what we need. We have been wise enough not to overkill. Is it fair to destroy our cultural heritage and life style by stopping all our utilization of these mammals?"

Point Hope whalers hunt the bowhead which may be placed on the endangered list because some scientists report only 100 remain. Testimony from the Alaskan Department of Fish and Game disputed this, however. According to their men, the bowhead population is between 2,000 and 3,000 and increasing. They also estimated the sea otter population at between 50,000 and 100,000 despite harvesting of 2,460 and the Amchitka atomic test which they claim killed 1,000.

Art Davidson, Alaska representative of Friends of the Earth, pleaded for better resource management and native input in this management.

"People are part of the environment, too," Davidson said. But some of the witnesses wondered if their testimony would do any good. The only Washington representatives present besides their own senators were John Hussey and Dave Clanton, staffers for the majority and minority members of the Commerce subcommittee.

"The representatives from Washington, D.C., they don't even come in Alaska one day yet. Why not send them up to Alaska first?" wondered Bennedict Snowball Jr., of Stebbins Village, who had to pay over $300 to charter a plane for the hearing.

And if the bill passes without additional consideration for Alaskans, "All we do is watch with heartache the Russian boats taking all they want," concluded John Apangalook of Gambell, an island just a few miles off the Siberian coast.

"And one will whisper, why did the U.S. buy Alaska? I would say the one who introduced this bill needs an education in the Eskimo way of living."

LA SALLE-PERU TOWNSHIP SYMPHONIC BAND

Mr. PERCY. Mr. President, today we often hear a great deal of students who apparently become involved in difficult situations. Today, however I wish to acknowledge a group of students who have brought recognition to themselves, their school, and their community.

The La Salle-Peru Township Symphonic Band under the direction of Melvin Pontius, their director, has been invited to the International High School Band Festival in Vienna, Austria, in July of 1972. Less than 2 percent of the high school bands in this country were considered for this honor. The La Salle-Peru Symphonic Band is the only band to represent Illinois at this festival in which students from 50 countries will convene.

These students raised a total of $35,000 to date to finance the trip. With community help, the students have had many projects. Major projects consisted in the recycling of glass and the collection of paper. These students are certainly to be commended.

The International Band Festival, conceived by the Austrian Government to highlight its "Youth Year—1972," has the official endorsement and the cooperation of the Government of the Republic of Austria, and is under the patronage of the Federal Minister of Education.

I wish them every success and I am proud that this fine group of young people will be representing the State of Illinois in Vienna.

A GREAT AMERICAN PASSES ON

Mr. MONTOYA. Mr. President, momentous events occupy us here on a daily basis. From this city flows a series of reports on happenings involving practically all the people in the world. The President says this. The Congress passes that. One scandal or another preoccupies us for a few days or weeks, and then we are on to the next titillation or challenge.

Little attention is paid here to some of the prodigious labors performed by relatively unknown giants who come among us from time to time, blessing all who come into contact with them in one way or another.

One such man lived and has just died in the State of New Mexico. He served Otero County, mainly the town of Tularosa and the Alamogordo area, as a general practitioner of medicine. His name was Dr. Elmer J. Klump, of Tularosa, who died suddenly at the young age of 51.

He was as widely loved as he was known, and that was everywhere in that county. Death came as he would have wished it, as he served the sick. It should also be known that this was a doctor in the truest sense of the word. Compassion cannot come in a bottle. Rather, it comes from the heart. And if it could be measured, we would say that Elmer's heart was as big as his body. He had enough for all.

Some men and women pass through this world taking from all they encounter. Theirs is a parasitic existence, offering little in return. Dr. Klump's life was just the opposite, seeking always some manner in which to give of himself to those in need.

A generation of children birthed in that area will have cause to bless his name. Those of us left behind can merely grieve and give thanks that such men occasionally are to be found.

Father Diamond's eulogy speaks far better of the tale of this man's life.

I ask unanimous consent that it be printed in the RECORD.

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

EULOGY

Suppose a stranger to our little community were passing through Tularosa this morning. He would say, "Why are the flags at half mast? Why is this crowd assembled here in church, so many that the church cannot hold them all? Why is this community in a state of shock?"

He would be told, "This is the funeral of Doctor Elmer J. Klump."

And he would ask, "Who is Doctor Klump?"

Who is Doctor Klump? If you seek the answer to that question, you do not look in the national headlines; or in Who's Who; or in Dun and Bradstreet. You will not find his name listed in the annals of the great and mighty of this land. You will find his name engraved, not in print, but in the hearts of his fellow men. Not on tablets of bronze, but on the fleshy tablets of the human heart. Not on cold marble slabs, but in the warm memories of those who love him.

Who is Doctor Klump? Ask any of the 5,000 babies that he delivered. Of all ages. Some of them are now 28 years old. Many of them are with us this morning. They would say, "His were the loving hands that guided us on that dark and frightful journey from our mother's womb into the womb of life. Into his hands we were delivered.

We are all living in the womb of life, waiting for birth into another life.

Who is Doctor Klump? Ask any of the 5,000 mothers. They would say, "The road to childbirth is, in the last analysis, a road which a mother must travel alone. But because of him we were never entirely alone. His skillful hands, learned mind and gentle heart were with us all the way."

Who was Doctor Klump? Ask any of the inmates in our jails. I hope some of them are with us this morning. They would say, "This was the man who came into the jail to minister to us. He brought us solace in body and in mind."

Who was Doctor Klump? Ask the poor of this community. They will say, "Never in his 28 years amongst us did he turn away anyone for lack of funds. We paid him with tamales and he accepted them graciously like a gentleman, because his life was dedicated to service rather than to profit."

Who was Doctor Klump? Ask his friends. They will say, "He has left in our hearts a gap that no one else can fill. But we can still l've on stronger and better because we were privileged to know him."

I could go on forever. Ask anyone in this community, "Who was Doctor Klump"? Ask from the highest and the lowest. Ask from the Christian and from the pagan. Ask from the young and the old. Ask the believer. Ask the Agnostic. Ask the fortunate. Ask the unfortunate. Ask the sinner. Ask the saint. Ask the drunkard. Ask the sober. Ask the weak. Ask the strong. Ask the brave. Ask the frightened. Ask them all.

To the stranger passing through our community they would all say, "He was a Christian gentleman and a gentlemanly Christian. He was human enough to be understanding and honest enough to be human."

We are all in the womb of life, waiting for birth into a higher life.

Do I dare say something this morning when so many are grieving? Do I dare to say, "There is no such thing as death. There is only the process of birth into a higher life?"

Imagine a child in his mother's womb—one of the 5,000 that Doctor Klump helped to deliver. The unborn child will say,

"When you figure it all out, this is a pretty good life here in my mother's womb. There is no rent to pay. No grocery bill. Transportation is free. It is warm, soft and secure."

Imagine that a voice would say to that child, "The laws of nature are such that you must go forth from this place into another life and there is nothing you can do about it. There is a great new life outside waiting for you."

The child will say, "I do not want to leave here. If you take me out of here I will die."

But the laws of nature are such that the moment comes anyway. The child says, "Now I am dying. This is the end of everything. I am being pushed and pulled against my will. Now what are they doing to me. They have got my big toe caught in a forceps. I am being forced from my mother's womb, where I lived so contentedly. I am dying".

But he does not die. He enters a world of light. He is greeted by loving hands and gazed at by loving eyes. He says, "I was not dying. I was being born".

He lives and grows and passes through a fascinating world of colors and lights, of joys and sorrows, of pleasures and pains. He is now a mature man. He says, "I have lived a full life. I have failed and I have succeeded. I have created. I have seen the good and the bad. All in all life is good and I do not want to leave it".

God says to him, "You have been living in the womb of life and according to the laws of life you must now leave the womb and enter into a higher life. There is nothing you can do about it."

He says, "I like it here. I want to stay. If I leave here I will die".

Warnings are sent to say that the moment may be approaching. Could these warnings be the forceps of the divine physician coaxing him towards his deliverance from the prison of the body?

In the laws of Nature the moment arrives. He says, "I am dying".

But God says, "There is no such things as death. What you are going through, painful though it is, is the process of birth into a higher life."

And painfully, reluctantly, fearfully, agonizingly he is born again. Just as the infant is greeted with loving hands and with the eyes of love, so too, the man emerges from the womb of life into a new world. A world, where eye hath not seen, nor ear heard, nor hath it entered into the heart of man, what things God hath prepared for those who love Him.

He did not die. He was in the process of being born again.

We are all in the womb of life. There is no such thing as death. There is only the process of birth into a higher life.

To those who are grieving most. To his son. To his daughter. To his grandson. To his mother. To his two brothers. To his sister. To his aunt.

I offer these words of solace. The painted veil that men call life is very, very thin. A whisper can pass through it. You have Christ's word for this. It is hard to believe at a time like this, but believe we must. Through our tears we look meekly up to the God of all consolation. To the God who said, "I am the resurrection and the life. He who believeth in me, although he be dead, shall live." This is the essence of the Christian faith.

You have Christ's word for this too and this is also of faith—Because there is no death but only the process of birth into a new life, Doctor Klump is closer to you now than he ever was.

SOME PROGRESS IN CONTINUING CONTROVERSY OVER FHA PROGRAMS

Mr. PERCY. Mr. President, investigations into the operation of Federal Housing Administration programs are advancing. Conclusions are beginning to emerge and Congress must be prepared to act upon them swiftly.

Congressman JOHN MONAGAN'S Subcommittee on Legal and Monetary Affairs has been focusing on the foreclosure problem in FHA inner-city mortgage-insurance programs, principally the 221(d)(2) and 235 programs.

In a recent interview with the renowned economist Elliot Janeway, Representative MONAGAN said he believed that the interest-subsidy homeownership program should be removed from the FHA and that FHA should go back to what it did so successfully in the 1940's and 1950's, insure middle-class mortgages in middle-class suburbs.

I have suggested much the same action if FHA cannot be restructured so that it becomes the advocate of the low-income homebuyer. Even since I first formally proposed the concept of homeownership for low-income families in 1967, I have felt that the FHA was the wrong agency to run the program because of its traditional role as spokesman for middle-class interests. The record of FHA mismanagement of the 235 program has borne out my worst fears.

I hope that Congress will act soon to

reform the FHA or, as Representative MONAGAN suggests, remove the interest-subsidy programs from its jurisdiction entirely.

I ask unanimous consent that the text of the Janeway-Monagan interview as published in the Chicago Tribune be printed at this point in the RECORD.

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

FISCAL FIASCO SEEN IN FHA'S POLICIES

(By Eliot Janeway)

NEW YORK.—"The Housing Magna Carta" was what Johnson called the Housing Act he persuaded his 1968 Congress to pass. It promised to open a new era for urban renewal. Instead, it has opened a can of worms.

Congressman John Monagan of Waterbury, Conn., himself a former mayor, is chairman of the legal and monetary affairs Committee on Government Operations. Here, in shock and in sorrow, is his audit of Uncle Sam's latest fiscal fiasco.

JANEWAY. When did the Federal Housing Administration's current problems first come to the attention of your committee?

MONAGAN. In the latter half of 1971 we started a routine investigation into the activities of the department, and then the problems, particularly in Detroit, began to surface. The trouble dates back to 1968 when Congress voted legislation abolishing FHA's traditional policy of not guaranteeing mortgages in high-risk areas. Once FHA began guaranteeing city mortgages, speculators began taking advantage of it. They would buy up low-cost properties and sell them at much higher prices to low-income families. Mortgagees made the money available because FHA backed the mortgages by nearly 100 per cent.

JANEWAY. How has this backfired on FHA?

MONAGAN. For one thing, property like this which is bought and sold with only cosmetic renovation, continues to deteriorate. Because of the high sale price, the new owners, who generally have never owned homes before and have no idea what it can cost [some of them are on welfare], have a desperate time just keeping up with payments. When they can no longer swing it, the property is foreclosed and FHA winds up paying off the mortgagee in full. This has been happening on a massive scale. In Detroit alone we found 5,200 properties in the FHA inventory, with an average loss of $10,000 on each property in one section of the city. And this is growing all the time. I'd estimate the number in serious default there at 14,000.

JANEWAY. My guess is that you'll find far fewer foreclosures in New York City because the welfare program picks up the tab rather than have to relocate the family.

MONAGAN. I believe that's also true in Milwaukee.

JANEWAY. FHA used to have one of the best track records of any agency in government. At no cost to the taxpayers, it underwrote the long recovery and building boom from the '30s into the late '60s.

MONAGAN. Yes. The key to their success was their rigorous and impartial standards. Now we're finding that for some reason those standards have been badly compromised in the last few years.

JANEWAY. Have you found abuses in new construction as well?

MONAGAN. Yes. Our investigations indicate there are some problems in suburban, single-family development and in multi-family dwellings—everything from undesirable location to overbuilding to sloppy workmanship. One developer we know constructed 100 to 200 units which have been occupied and then abandoned because of their remoteness from vital services, and he is now putting up more units in another area right nearby. We're getting requests from all over the country—Miami, Philadelphia, Chicago, Atlanta, Houston, you name it—to look into this sort of thing. My guess is that Detroit is one of the worst in terms of dollars lost so far, but it's hard to tell at this point. Each metropolitan-suburban area has its own kind of abuse.

JANEWAY. This epidemic of foreclosures is being disguised by the construction activity figures, of course. They keep telling us the country is enjoying the biggest building year ever. What do you estimate the total cost to FHA is going to be?

MONAGAN. I'd say $1 billion is easily in the ballpark, and the problem keeps growing. And, of course, that's a billion dollars of taxpayers' money going down the drain at a time when there is enormous pressure on the government both to cut back on wasted spending and to spend more on programs dealing with social needs—such as job training, child care, remedial schooling, etc.

JANEWAY. How is FHA reacting to this situation?

MONAGAN. They were totally unprepared for anything like this. They have several risk funds, but these won't last long; the smaller one, $80 million, I believe, is already nearly depleted. This means Congress is going to have to come up with a new appropriation to underwrite FHA.

JANEWAY. Meanwhile, because of the foreclosures, the tax base is being reduced.

MONAGAN. Yes, and where it hurts most, in urban areas. Abandoned buildings have a blighting effect on the surrounding neighborhood as well, and this further reduces tax revenues.

JANEWAY. Have you started looking into the ramifications this strain on FHA's insuring capacity is going to have in the banking community? Up until now S&Ls, and insurance and savings banks have inventoried FHA guarantees as a matter of course, holding no reserves against them, and trading them on a pure money market basis.

MONAGAN. Yes, we've taken this up with FHA people from the areas we're looking into. I think our next step will be to ask for a reappraisal by HUD Secretary Romney and the head of FHA. I strongly believe that FHA should disengage itself from the whole area of insuring mortgages on low-income housing, which can be better financed through direct government appropriations, and go back to its former high standards.

Chicago real estate brokers released details yesterday of new guidelines designed to protect home buyers with Federal Housing Authority mortgages from unscrupulous sellers.

The guidelines are in the form of a "statement of responsibility" that must be signed by both the buyer and seller in addition to the selling real estate broker.

The statement provides that:

SOLD "AS IS"

1. All parties agree that the property is being sold "as is" and "as shown." The seller represents that only the plumbing, electrical, and heating systems will be in working order when the buyer takes possession. The buyer acknowledges that he has personally inspected the home, that no physical feature has been concealed, and that the plaster, floors, roof, and foundation are acceptable.

2. Buyer and seller agree that no warranties have been made about the property's condition, unless the property is being financed under section 235 of the National Housing Act which requires a warranty.

3. The seller warrants that he has received no notice of any code violation that has not been corrected.

MUST FURNISH APPRAISAL

4. The seller agrees to furnish the buyer with an appraisal of the property's value for FHA mortgage insurance. If this is not delivered, the buyer may withdraw from the transaction with no penalty or may go ahead with the purchase if he chooses.

5. The selling broker represents that the transaction was made in accordance with Department of Housing and Urban Development [HUD], procedures and that he has received nothing other than the customary commission.

6. The buyer agrees to his responsibility to maintain the property after the closing. He also agrees not to undertake major expense of improvement, such as a new roof, siding, heating, plumbing, or electrical work over $500, within one year after closing, without a HUD inspection.

The agreements will be made by the selling broker in English and in the native language of the buyer if he does not have a fluent understanding of written English.

The statement was developed by the Chicago area office of HUD in cooperation with the Chicago Real Estate Board, neighborhood real estate boards, and Chicago mortgage bankers.

John L. Hall, president of the Chicago Real Estate Board, said that copies of the statement in English and Spanish are being circulated and will become a standard part of all transactions in which FHA mortgage insurance is involved.

The statement is designed to eliminate many of the problems and misunderstandings, as well as misrepresentations, that occurred in the past as the result of buyers purchasing homes which later turned out too defective or overpaid by speculators.

Mr. PERCY. Mr. President, I have from time to time criticized the real estate industry for its part in the well-documented abuses of the FHA section 235 program. I am always pleased to note instances where the private sector acts responsibly to set its own house in order.

Such an instance was recorded in Chicago's newspapers last week. The Chicago real estate board, in cooperation with the Chicago area office of FHA and the Chicago mortgage bankers, has prepared and released a set of guidelines to govern real estate transactions involving FHA-insured properties. I think this marks a great stride forward in eliminating those unscrupulous operators who are out to make a fast buck at the expense of the poor and the public treasury.

I commend all who had a hand in developing these guidelines.

I ask unanimous consent that an article from the Chicago Sun-Times detailing these guidelines be printed in the RECORD.

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

NEW CODE TO GOVERN SALES OF FHA-BACKED PROPERTY

The government's Chicago area Housing and Urban Development agency released rules Wednesday covering the sales of buildings constructed with FHA-guaranteed mortgages.

The code was worked out with assistance of the Chicago Real Estate Board, neighborhood real estate boards and Chicago Mortgage Bankers.

The action followed recent criticism by civic groups of the rundown conditions of such FHA-mortgaged property.

John L. Hall, president of the Chicago Real Estate Board, said that copies of a statement in English and Spanish are being circulated to all members of the board.

The statement is designed to eliminate misunderstandings and misrepresentations that have occurred in the past and aroused criticism that buyers bought homes that turned out to be defective or overpriced.

Both buyer and seller, as well as the real estate broker, must sign the agreement to obtain FHA mortgage insurance. The agreement calls for:

(1) The property is sold on an "as is" basis. The seller agrees that only the plumbing, electrical and heating systems will be in working order when the buyer takes possession.

(2) Buyer and seller agree that no warranties have been made about the property's condition, unless the property is financed under that section of the National Housing Act requiring a warranty.

(3) The seller must guarantee that there are no major housing violations against the property.

(4) The seller agrees to furnish the buyer with a property appraisal. If this is not forthcoming, the buyer may withdraw from the transaction with no penalty.

(5) The selling broker must agree that he has received nothing except the customary commission and that all terms of the deal meet with Housing and Urban Development agency standards.

(6) The buyer agrees not to undertake any major improvement within one year without a free HUD inspection to determine if the improvement is necessary.

DANGER OF PRESIDENT'S VIETNAM POLICY

Mr. STEVENSON. Mr. President, the futility and the danger of the President's policy in Vietnam are underscored by Mr. Cyrus R. Vance and five of his former associates in the Department of Defense in a statement published in the New York Times. It is a succinct and forceful statement which I hope all Senators will read. I ask unanimous consent that it be printed in the RECORD.

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

PRESIDENT'S VIETNAM POLICY

President Nixon's decision to mine the harbors and coastline of North Vietnam and expand the bombing of the North follows a significant build-up of United States air strength in Southeast Asia, renewed bombing of military targets in the North and increased doubts that the South Vietnamese can assume the burden of combat in the South.

We believe that the President's decision and the resumption of bombing are tragic mistakes. They are dangerous, wrong and ineffective. We urge that the bombing of the North be discontinued, that the mining be stopped and that our military involvement in Southeast Asia be ended promptly, leaving the Vietnamese to work out their own political resolution. The bombing of the last several months did not discourage or impede the major North Vietnamese attacks now in progress. In fact, years of experience in the unsuccessful attempt of the last Administration to cut off men and supplies from the North by air attacks against supply depots, supply routes and other military targets demonstrate abundantly that increased interdiction bombing will not put an end to the North Vietnamese war effort. Nor will the new steps being taken restrict the daily importation of military and war-supporting material sufficiently to prevent North Vietnam from continuing its operations in the South.

The recent escalation of military activity on both sides has hindered rather than advanced a negotiated settlement in Paris. Moreover, the additional escalation in attempting to seal off North Vietnam jeopardizes our relations with the Soviet Union and the Peoples Republic of China. It unjustifiably risks a direct military confrontation with both countries and may impede the progress of the Strategic Arms Limitation Talks, which are of fundamental importance not only to the United States and the Soviet Union but to all nations.

The escalatory trend also causes apprehension over the possibility of new types of air actions against the North—those in which the United States may engage in retaliatory and punitive bombing raids against heavily populated areas. We want to say as strongly as possible that such bombing would be an unconscionable error.

The national interest of the United States does not justify the escalatory actions which have been taken and we urge that a date be set for the withdrawal of all our military forces from Vietnam.

GEN. LUCIUS D. CLAY

Mr. PERCY. Mr. President, Gen. Lucius D. Clay recently celebrated his 75th birthday. General Clay's outstanding role of leadership in the American military is well known.

A 1918 graduate of West Point, Clay served as deputy director of war programs in 1944, became deputy to General Eisenhower in 1945, and served as Commander in Chief of U.S. forces in Europe and Military Governor of the U.S. Zone in Germany from 1947 to 1949. In 1948, the Washington Sunday Star said that:

General Clay is generally credited . . . with having done the ablest and most efficient administrative job of any of the military governors of the four occupying powers.

General Clay retired in 1949 and became chairman of Continental Can Co. He responded again to the call of duty during the East-West crisis in Berlin in September, 1961, when President Kennedy named General Clay as his personal emissary to that city.

Over the years he has been involved in many business and civic activities. He is currently associated with the investment banking firm of Lehman Brothers and has served as finance chairman of the National Republican Party. He is also the chairman of the board of directors of Radio Free Europe and has been a driving force in calling to the attention of the American people the need to allow that important service to continue. His efforts have inspired my own efforts on behalf of Radio Free Europe in the Senate.

BLOODSHED AND PISTOLS

Mr. STEVENSON. Mr. President, 3 weeks ago today I introduced S. 3528, the Federal Handgun Licensing and Registration Act of 1972. In the statement I made accompanying the introduction of the bill, I noted that the bill recognizes the legitimate uses for handguns, but it also recognizes that one does not shoot ducks with a snub-nosed .38. Twenty days later Gov. George Wallace, a candidate for the Presidency, was shot with a snub-nosed .38.

The time has come to stem this senseless violence. In 1968, Senator Kennedy was assassinated with a handgun. In 1970, 80 percent of homicides involving firearms were committed with handguns. Most violent crime is committed with handguns and 75 percent of all policemen killed in the line of duty are killed at the point of a handgun. The crime gun in America is the handgun.

What more do we need? What does it take to move us to action? Every time our country is defamed by such an act of brutality we wring our hands, protest the violence—and do nothing.

The Nation needs a law—not that will confiscate the guns of law-abiding citizens, but a law which will keep handguns away from those most likely to misuse them.

To those who believe the slogan that criminals — not handguns — commit crimes, this can be said: Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. There is no instrument more sinister than the lethal concealable pistol.

S. 3528 is a compromise between the extremes of those who propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It will be said, as it always is, that only the law-abiding will register their guns. But that is one point of the bill. Those unable, or unwilling, to register will be subject to prosecution. They can be disarmed. The bill will please neither extreme. By the same token, it ought to offer some common point, a compromise if you will, for all who want to do something to stem the rising tide of violence. As it is now, we face a standoff. The alternative to this bill may be nothing—and more senseless, needless bloodshed.

The bill recognizes that many crimes are committed in moments of passion, and that violence is made possible by the easy accessibility of handguns. It offers law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries, as well as the crime, caused by the easy accessibility to handguns, such unsafe and unsuitable handguns, such as the "Saturday night special." States and localities would be able for the first time to adopt effective handgun controls.

The public dialog is divided between the extremes: between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between those who believe we are a soft society and those who believe we are a sick society.

I am not ready to admit that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time to stop the bloodshed that handguns bring.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to protect the lives of citizens, of policemen—yes, of candidates for President of the United States.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention

of those whose purpose when they founded our Nation, was "to form a more perfect union; to establish justice; to insure domestic tranquility."

Mr. President, it is past time that Congress faced up to the gun lobby and did its duty. I hope the Judiciary Committee will act soon and give the Senate a chance to stem the bloodshed from pistols.

DEVELOPMENT OF THUNDERBIRD GRADUATE SCHOOL OF INTERNATIONAL MANAGEMENT

Mr. FANNIN. Mr. President, there was a time when America's superior technology and high productivity assured our Nation leadership in international trade and relations.

This is no longer the case. We have strong competitors in Japan and in Europe.

The task of maintaining our rightful place in world trade is difficult. Now, more than ever, it is essential that America have high caliber men and women who can provide us with the leadership we need in the field of trade and management.

Arizona is fortunate in that one of the leading schools in this field is located in the Phoenix area. This is the Thunderbird Graduate School of International Management.

Mr. President, in 1967, I placed in the RECORD a statement which described the fine work of the school. In view of developments in the past 5 years, the work of this institution is of ever increasing importance. I ask unanimous consent to have printed in the RECORD a statement by Robert L. Gulick, Jr., which updates the development of Thunderbird.

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

HIGH FLIES THE THUNDERBIRD

(By Robert L. Gulick, Jr., dean of admissions and registrar and professor of international studies)

With a name like Thunderbird Graduate School of International Management, it's got to be something else. And this school in the heart of Arizona is different. In the quarter of a century since its founding, no other American institution has imitated its integrated program of International Studies for cultural adjustment, Modern Languages for oral communication, and World Business for practical know-how. The president of a large eastern university once told me that he had only one criticism to make of Thunderbird. "Either it should be ten times its present size or you should have half a dozen campuses distributed around the country." Much has happened at this center for the study of international management since the writing of the story that appeared in the CONGRESSIONAL RECORD in February, 1967.

In the spring semester, 1967, enrollment reached 402. The comparable figure for 1972 is 653, a hefty increase of sixty-two percent.

In my judgment the most significant date in the recent history of the institution was September 1, 1971. Then it was that Dr. William Voris became Thunderbird's president. For the first time since its founding, Thunderbird acquired as its leader a man with an earned doctorate in management theory. This relevant academic background was reinformed by experience of more than eight years as Dean of the College of Business and Public Administration at the University of Arizona, Tucson. In addition, he had served as a professor in universities in the Middle East and as a methods consultant to California corporations.

Born in the "Land of Lincoln," he understands and respects the pioneer spirit and the other human resources that have contributed to the greatness of the new world. The top leadership of the school was further strengthened on February 1, 1972, with the appointment of Dr. Donald W. Baerresen as Vice President for Academic Affairs. Formerly Research Director of the Center for International Business, Los Angeles, Dr. Baerresen had spent four years in Europe and six years in Latin America, experience enriched with the command of German, Portuguese, and Spanish.

The forward march of the school was signaled on November 26, 1968, by the name change from American Institute for Foreign Trade to Thunderbird Graduate School of International Management. Over the preceding twenty years there had been a gradual shift in emphasis from export-import practice to managerial positions in industry, government and overseas social service.

For many years alumni of the School, like the varsity players at the University of British Columbia, have been known as Thunderbirds. The campus was formerly designated Thunderbird Field No. 1. The Thunderbird is regarded by many American Indian tribes as a powerful god responsible for peace, brotherhood, and prosperity, major objectives of the School.

At the creation in 1946, no foreign students were enrolled. This term there are 79 from 39 countries, and the number is expected to grow as the school moves toward its ceiling of 750.

Over the years, the school has been fortunate in having a prestigious Board of Directors. The current board chairman, Mr. Frank L. Snell, is widely recognized as one of Arizona's leaders in the legal profession, in industry, and in civic affairs. Another board member has very generously established a professorship in the Department of International Studies. Among the board members are the Presidents of the University of Arizona, Arizona State University, and Northern Arizona University. The Board deserves special credit for its initiative and leadership in raising funds for the new Library which was dedicated in March, 1971.

In the fall of 1971, a new fifty-apartment complex was completed, doubling the campus accommodations for married couples.

In April, 1972, the auditorium was air conditioned, carpeted, and redecorated.

Progress in the Department of Modern Languages is reflected in the introduction of German in September 1968, Japanese two years later, and English as a Second Language just last fall. Unlike any other graduate institution, Thunderbird offers courses in French, German, and Spanish business and commercial correspondence. To promote "an awareness and appreciation of the distinctive cultural mores and values" found in French-speaking, German-speaking, Spanish-speaking, Portuguese-speaking countries, cultural survey courses are available in the languages of those lands. Spanish-language classes deal with contemporary economic, political and social problems of Latin America. Parallel courses in French and German pertain to Western Europe. Also in Spanish are courses on Land Reform in Latin America and Latin American Constitutional Law. Such a curriculum enrichment is made possible by a language faculty comprising more than thirty full-time teachers, the vast majority of whom teach their native tongue.

English as a Second language is taught on introductory, intermediate, and advanced levels. An intensive twelve-semester hour English course was introduced in February 1972.

The Department of International Studies has expanded its offerings to include the Role of the International Corporation in World Economic Development, Strategies for Economic Development in Southeast Asia, U.S. Foreign Policy Formulation, Comparative Foreign Policy, Nationalism and Expropriation, Political and Institutional Modernization, and numerous seminars on Africa, Asia, Europe, and Latin America.

Full-time faculty members of the Department of International Studies have trebled in number since 1968. Professor Shoshana Baron Tancer, possessor of a law degree from the University of Michigan and a Ph.D. in Public Law from Columbia University, enjoys the distinction of having practiced law in Latin America and of having served as Professor of Comparative Constitutional Law in a university in a Spanish-speaking Country. Associate Professor Martin H. Sours earned a doctorate in Asian Studies at the University of Washington after serving as an AID Officer in Southeast Asia.

The Department of World Business advances to meet the ever-changing requirements of industry and government. Recent course additions include Corporate Accounting, Seminar for Advertising Management, Money and Banking, International Economics, Managerial Finance, International Finance, Comparative Banking Systems, Law of International Business, Business Statistics, Management Applications of EDP, Management Systems and Techniques, Production and Operations Management, Management Policies and Decisions in International Operations, International Corporate Planning, International Marketing Policies, International Market Research, and Advanced International Marketing.

In 1965, the school had only one chair supported by outside funds, the S. C. Johnson professorship in World Business. There has since been added support for these positions: Dom Pedro II Professor of Luso-Brazilian and Hispanic American Studies; Lawrence A. Appley Professor of International Management; Citibank Professor of Finance; Armco Professor of Accounting for International Management; C. V. Starr Professor of Finance and Insurance. There is reason to hope that additional professorships will in the course of time enrich the offerings of all three departments.

Thunderbird strives to strengthen theory with practical experience. An example is Professor Craig Woodruff, C. V. Starr Professor of Finance and Insurance, who has compiled an enviable record of executive achievement as Manager, W. R. Grace Co. (New York, Panama, Peru); Vice President, International Sales, Smith Corona; and President of Polaroid Japan, Canada, Germany, United Kingdom, Netherlands, France, Belgium, Italy, and Polaroid Overseas. Dr. V. Seshan, Professor of Management, served for some years as Staff Planning Analyst—Corporate Planning Studies, E. I. Dupont de Nemours & Co., Inc., Wilmington, Delaware.

This extraordinary proliferation of courses has resulted largely from student body growth and the abolition of the baccalaureate degree. The sole degree now available at Thunderbird is the Master of International Management. This degree entails completion of forty-eight semester hours of study. It is possible to earn the M.I.M. in one calendar year including summer session, which is now regularly featured. A student may enter in September, February, or June. Under the new 4–1–4 program, the fall semester ends before Christmas. Only persons holding a recognized baccalaureate are admissible. Currently enrolled students have received degrees in sixty major fields from around three hundred colleges and universities. Knowledge of a foreign language or of business administration is not required for entrance.

Heterogeneity makes Thunderbird Campus an exciting place, a community of scholars in which students and professors are part-

ners. The circle of influence of this center of functional innovation is ever-widening. As one of a kind in the United States, Thunderbird produces considerable benefit for Arizona, attracting to the Grand Canyon State the attention of future and present world business executives and of international leaders of thought.

THE SEEMINGLY IMPONDERABLE QUESTIONS OF LIFE

Mr. McGEE. Mr. President, one of the greatest assets of our country is our young people. Throughout our history as a democracy we have been blessed with the vibrant and creative spirit of our young, which continually inspires us to greater achievements.

The youth of the Nation continually probe into themselves and their society, seeking answers to the many seemingly imponderable questions of life. This has been a source of strength in our ability to continually rise to the numerous challenges which face us in our day-to-day struggle to achieve a better and more just life for our people.

An example of this search is found in a letter Michael J. Tangeman recently wrote his parents, Mr. and Mrs. Duane Tangeman of Cheyenne, Wyo. Michael, who is in the U.S. Navy, addressed himself to the question of "Why" and "How" this eternal quest is so necessary to expanding our knowledge and our search for a deeper and more meaningful understanding of mankind.

I ask unanimous consent that Michael's letter, as it was published in the Chadron Record of April 13, 1972, be printed in the RECORD.

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

SERVICEMAN, EX-CHADRONITE, PROBES INTO "WHY"

(By Michael J. Tangeman SA, USN)

(NOTE.—The following letter was sent to Mr. and Mrs. Duane Tangeman of Cheyenne, Wyo., by their 18-year-old son Michael, now in the U.S. Navy. Michael is the grandson of the late Dr. Harvey Tangeman, formerly of Chadron. Mrs. Harvey Tangeman now resides in Cheyenne, also. Michael attended school in Chadron for a time. It is being reprinted here for the benefit of our readers, and illustrates how deeply the younger generation can feel certain issues of the day.)

"When the end comes it comes", so some people say, but me, I don't believe it possible, at least for me. After one learns to think and realize what his thinking abilities are, he might continue to think, to ask and to learn for eternity. When I say to ask and to learn I mean he will ask but one question, Why, and he will search till he discovers an answer, but upon receiving an answer it always arouses the same question, Why. This is a never ending thought and once you ask yourself and really think about it, the simple question, Why, will keep your mind alive for the rest of eternity.

Each time you ask this question and learn an answer you graduate to a newer, higher level to where you can see just a little further, and you wonder, and you ask, Why, and you will search for these answers. People, and I do mean most people never really learn to think, never wonder why they exist or why they are able to communicate with each other, they are satisfied in knowing they do and can and will cease to exist when their physical life is finished. Throughout time, one has developed a body, an instrument of knowledge. When ones body ceases to function, one merely sheds it such as a caterpillar shedding its skin just to become something entirely different, more beautiful, and gains the ability to fly, a whole new way of gaining knowledge.

When your energy cells grouped together or your mind began its life, its only purpose was to think and it thought only one thing, Why, One's existence on earth is but a split second in time, an instance of experience and if one does not learn to think of something without experiencing it, he is through when he dies. Now think, and ask yourself, why do I exist and search for the answer for you will never stop asking nor stop learning through the rest of time.

In conclusion, I think that once one learns to think and to ask and to learn without interruption, he has discovered eternal life, a never ending question of Why.

IMPLEMENTING THE NUTRITION PROGRAM FOR THE ELDERLY

Mr. PERCY. Mr. President, Congress took a giant step toward meeting the nutritional needs of our Nation's senior citizens and toward overcoming their social isolation when it overwhelmingly passed title VII of the Older Americans Act, the nutrition program for the elderly. This program is to become effective on July 1.

I believe it was the intention of the sponsors of this legislation, the senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished Member of the House of Representatives from Florida (Mr. PEPPER) and of the Members who supported it, that the Department of Health, Education, and Welfare build on the experience of some 30 or more demonstration projects, established under title VII of the Older Americans Act, which had been providing hot meals to the elderly in a social setting.

Senators will recall that we authorized $100 million for fiscal 1973 and $150 million for fiscal 1974 for grants to the States to provide 90 percent of the cost of community-based projects making low-cost nutritionally-adequate meals available to the elderly in convenient locations 5 or more days a week.

Congress completed action on the bill in February and the President signed it in March. In a commendable and widely-applauded move, President Nixon requested full funding for title VII for fiscal year 1973.

Since late March, the Administration on Aging, under the leadership of Commissioner John B. Martin, has been moving ahead vigorously to implement the legislation. To make a program of this magnitude operational is no easy task, but Commissioner Martin hopes to have a structure in place by July 1.

I am concerned, however, about several aspects of the current situation. I am concerned because no guidelines and regulations have yet been published. I am concerned because many States and localities, in part because of the lack of regulations, seem unprepared even to begin planning for nutrition projects. I am concerned because the hopes of many senior citizens will be dashed if the program fails to become operational on schedule.

I believe Congress should be involved in the process of framing guidelines and regulations. I applaud AoA's effort to involve knowledgeable individuals and groups outside government in developing regulations, but I feel Members of Congress have a legitimate right to be consulted at this stage also.

Mr. President, I must point out one additional point that concerns me greatly. Unless Congress passes the HEW appropriations bill prior to July 1, this program will be at a standstill. Because this is a new program without any previous funding, a continuing resolution will not help implement it. The fiscal year 1973 HEW appropriations bill is therefore crucial and I hope we in Congress will do our best to complete action on the measure as soon as possible. We owe our senior citizens no less.

CECELIA WINN—MORE THAN FOUR DECADES OF DEDICATED, CONSTRUCTIVE, AND MEMORABLE SERVICE TO PEOPLE

Mr. McINTYRE. Mr. President, within the month, Cecelia Winn of Nashua, N.H., will be retiring after 41 years of teaching and counseling in the Nashua school system.

Knowing Cecelia Winn and counting it as one of my blessings that I can call her my friend and my supporter, I know that this does not mean she is retiring to oblivion. Anyone who knows Cecelia knows she will never retire, she will just be further shifting the direction of her incomparable drive and interests and abilities to other pursuits.

I know Cecelia's retirement will be a real loss to education in New Hampshire. She has made many, many vital contributions to learning in the Granite State. She has held numerous important positions in education during the 41 years of service. She has been honored many times for her contributions and appointed to important positions in the educational field.

Thousands of New Hampshire young people have benefited from her teaching and her counseling. The lives of many people in New Hampshire have been affected and bettered by touching Cecelia Winn during their years in school.

But, since education has just been Cecelia's major pursuit she will now have time to pursue the many other interests she has been involved in over the years —interests, in themselves, which would alone tax most of us to our fullest.

And now to the future. As she told the Telegraph:

I don't really know what plans I have at this time. I won't stay home and tend to my knitting.

That we can rest assured will be the case.

She has been a leader of women's clubs.

She has been a vital pillar in many service groups.

She has been a major force in politics in the Nashua area, an officer in important political groups, and she was only recently elected as a delegate to the Democratic National Convention. She will be in Miami Beach, Fla., in July participating fully in the Democratic proceedings.

She will continue her love of dogs. She has won national and international recognition and prizes raising some of America's greatest Beagles.

I could go on reciting the life and times of Cecelia Winn, the record is so long and distinguished.

But others recognize her long and distinguished record as well. Cecelia has just been the 18th recipient of the highly prized Book of Golden Deeds, emblematic of the Exchange Club's Citizen of the Year. In the presentation made by Thomas O'Neill he declared:

Miss Winn has devoted her life to helping others in many ways and through varied channels . . . She has given the best of service to those who were meant to benefit by her endeavors . . . She is a truly involved citizen.

This award is reported in an article published recently in the Nashua, N.H., Telegraph.

Mr. President, I ask unanimous consent that the article and another story from the Nashua Telegraph on the accomplishments of Cecelia Winn be printed in the RECORD at the conclusion of my remarks.

Let me conclude by saying that education has lost by the richly deserved retirement of Cecelia Winn. But everyone who knows Cecelia and her dedication to that which is good and needed and constructive know that so many other things will gain when she turns her attention to them.

I pay honor to Cecelia Winn and all she has done in the field of education. She deserves every plaudit we can give her. She is just the greatest.

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

MISS WINN TO RETIRE AS TEACHER; HAS AIDED THOUSANDS OF STUDENTS

(By Paul Bergeron)

Cecelia Winn, guidance counselor at the Spring Street Junior High School, will retire in June after 41 years of teaching and counseling in the Nashua school system.

Just last week, she was cited by the N.H. Personnel and Guidance Association for achieving "the superior level of professional competency, in accordance with the standards of this association." The citation was signed by the president of the association and the chairmen of the group's professional standards committee and awards committee.

COUNSELED THOUSANDS

Miss Winn has been at Spring Street facility for most of her 41 years here. In addition to conducting guidance classes on education and fields of employment, she has met individually with thousands of students. "This past year I had 575 pupils," she said. "A bit too many to handle I think. I always try and meet two or three times a year with each student. In past years there have been 300 to 400 students."

Educated in Nashua schools, Miss Winn received her bachelor's degree from Keene Teacher's College, attended Harvard University and Boston University and received her master's degree from the University of New Hampshire.

NAMED BY GOVERNOR KING

While Gov. John King was in office, Miss Winn served as chairman of the Guidance and Education Committee of the Status of Women Commission.

"My job was to suggest things which I felt should be done in the state for the furthering of education," she explained. "Recommending technical schools in New Hampshire was the first thing I did. I went to the legislature and spoke before the commission in support of this. I also recommended that young people who have not finished high school, should be given the opportunity to finish at night. Third, I recommended more guidance counselors in elementary schools. I've always felt that this would help to correct some problems before the students got into the junior high schools.

"Of the three, the one that pleases me the most was to see the technical schools come about. I've felt that youngsters who were good with their hands had no opportunity then to go beyond high school. With technical schools, they can go ahead.

"Now I would like to see a place for women to place their child while they work so the children can get the proper care," she said.

ACTIVITIES NOTED

In addition to being tops in the education field, Miss Winn has been a top woman vote-getter in New Hampshire politics and has left her mark nationally, and internationally, for her dog-breeding and show efforts.

Raising dogs has been a family affair since she "can remember." Her father and brothers raised prize-winning foxhounds. When Miss Winn took up "the hobby" she turned to beagles.

Her hobby took her west to Ohio and north to Canada, as well as to other parts of New England, New York and New Jersey. "The dogs I raised and trained were field as well as show beagles. I made 25 champions in one and a half years; one was an international champion."

The caliber of the dogs she has raised is reflected in the sale of one of the beagles for $1,500 to a woman in England. Her efforts on the show field brought inquiries from all areas of the country, and Miss Winn was called upon several times to contribute to dog show and breeding magazines.

FIRST WOMAN DELEGATE

Once involved with politics, however, Miss Winn's hobby was put aside. She now keeps one beagle, "Spike," named by her brother. "I would never have named him that," she said emphatically. She retains membership in a number of related organizations, the Lone Pine Hunter's Club; the Greater Lowell Beagle Club; the Bay State Beagle Club; and the Brunswick Fox Hunter's Club.

In 1964, Miss Winn became the first N. H. woman elected to the Democratic National Convention. This summer, she will be traveling to Miami Beach, Fla., as a convention delegate supporting U.S. Sen. Edmund Muskie of Maine. In addition to her presidential efforts, she has chaired a number of local and state party units.

J.F.K. MEMORIAL

She initiated and carried out a fund-raising campaign for the bust of President John F. Kennedy, erected in front of City Hall. Kennedy began his campaign for the presidency in Nashua before the City Hall here.

For the past four years, the educator-politician has been vice-chairman of the Hillsborough County Democrats. She has also been president of Women's Club (three years); chairman of the Nashua Democratic Women's Committee (four years); and served one year as chairman of the New Hampshire Democratic Women organization.

Despite the time taken up by her three fields of activity, Miss Winn has found time to become involved with a number of church and civic organizations and projects. She is a past president of the St. Patrick's Ladies Guild, a past trustee of the Catholic Daughters, a past corresponding secretary for the Nashua Teachers Union, and has been a member of the Nashua College Club, the Emblem Club and the New England Guidance Association.

RETIREMENT REFLECTIONS

Reflecting, she said, "If I had a chance to start over, I think I'd work with the mentally retarded, there is still so much to do in that field. Those children that are able should be taught practical arts and be tested and given the chance to get into regular grades. I still think that a great deal can be done.

"I loved it at Spring Street. Some people said that the office was inadequate and small, but I've always felt that it's not the office that counts, its the type of work done with the office. One of the great rewards I have today is that 98 per cent of my former pupils go out of their way to speak to me. I can remember when I was a student, I used to try and hide if I saw a teacher coming my way, but not these kids. And that makes me happy.

Miss Winn has no definite plans beyond retirement at this time, except for her trip to Miami. "Many people have asked me if I would enter politics locally, running for the Board of Education, Board of Aldermen or as a state representative. I'd love to continue in public office because I want to do some good, but I don't really know what plans I have at this time. I won't stay home and tend to my knitting.

CECELIA WINN CITED BY EXCHANGE CLUB; RECEIVES ANNUAL GOLDEN DEEDS AWARD

Miss Cecelia Winn on Saturday night was cited for her good deeds during her 41 years as an educator, guidance counselor, and service to youth and the community by the Exchange Club of Nashua.

She was the 18th recipient of the Book of Golden Deeds, emblematic of the Exchange Club's Citizen of the Year.

The dinner program took place at Howard Johnson's Motor Lodge and Restaurant with members and their guests, along with a host of past recipients in attendance. It was conducted by President Paul Cleaveland and master of ceremonies was Clifford Colquitt, chairman of the Golden Deeds committee.

PRESENTS AWARD

The presentation was made by Thomas O'Neill, who told how Miss Winn "devoted her life to helping others in many ways and through varied channels."

"She has helped others," O'Neill said, "first of all in her chosen field of work by being proficient and able in the technical aspects of the field. She has, thereby, given the best of service to those who were meant to benefit by her endeavors—the youth of the city within our school system."

In his closing remarks, O'Neill described Miss Winn as a "truly 'involved citizen' in school and civic affairs."

Messages of congratulations were received from Gov. Walter Peterson and Roger J. Crowley, Democratic candidate for governor.

The award is given to a person in the community for his or her good deeds, thoughtfulness, public service, service to youth and aid to others beyond the call of duty and without forethought of personal gain.

As guidance counselor at Spring Street Junior High, she has met and counseled thousands of youngsters and on many occasions she would meet with parents and pupils on an individual basis and gave countless hours of her own time in this category.

This past year alone, 557 pupils were on her guidance counselor's list and she holds conferences with each student two or three times a year and more if the need exists.

EDUCATED IN NASHUA

Educated in Nashua schools, Miss Winn received her bachelor's degree from Keene Teacher's College, attended Harvard University and received her master's degree from the University of New Hampshire.

During Gov. John W. King's term she served as chairman of the Guidance and Education Committee of the Status of Women Commission.

In addition to her outstanding career as an educator, Miss Winn is active in politics and is a top woman vote-getter in New Hampshire. In 1964 she became the first New Hampshire woman elected to the Democratic National Convention. And this summer she will travel to Miami Beach as a convention delegate. In addition to her presidential efforts she has headed a number of local and state party units.

The John F. Kennedy memorial in front of City Hall was erected as a result of her fund-raising efforts. Kennedy began his campaign for the presidency on the City Hall plaza.

Despite the considerable amount of time taken up by her school activities, breeding dogs (her favorite hobby) and politics, Miss Winn has found time to become involved in a variety of church and civic organizations. She is past president of the St. Patrick's Ladies' Guild, a past trustee of the Catholic Daughters, a past corresponding secretary for the Nashua Teachers' Union, and has been a member of the Nashua College Club, the Emblem Club and the New England Guidance Association.

Recently she was cited by the N. H. Personnel and Guidance Association for achieving superior level of professional competency.

Past recipients of the award in attendance included Mr. and Mrs. Philip Lamoy, Mr. and Mrs. Philip McLaughlin, former mayor Mario J. Vagge, Mr. and Mrs. Royal Dion, Mr. and Mrs. Max Silber, Mr. and Mrs. Charles W. Harvey and Mr. and Mrs. George Law.

Other past recipients are the late Frederick H. Dobens, Arthur Newcombe, Justice Edward J. Lampron, Edmund M. Keefe, the late Mrs. Lovina Anders, the late Walter L. Barker, Eliot A. Carter, Jacob Rothenberg, Mrs. Maude Priske and Lawrence Elliott.

ARIZONA BUSINESS-INDUSTRY EDUCATION COUNCIL

Mr. FANNIN. Mr. President, it has always been difficult for our young people to make the transition from the theory of the classroom to the reality of employment.

In recent years this has been complicated by an unjust and unrealistic antagonism which has been aimed against business and industry. Some critics of our economic system have tried to make the young believe that business and industry have caused the problems we have in America today.

But the fact is that it is our free enterprise system which has brought about the highest standard of living in the world. It is our business and industry whch has enabled us to progress and to help a good portion of the rest of the world by freely sharing our wealth and technology.

It is essential that our young people be made aware of the key role that business and industry have played in making a better world. And it is essential that young people become aware of the opportunities available to them.

Mr. President, in Arizona we have a very effective organization known as the Arizona Business-Industry Education Council.

The objectives of this council are:

To increase awareness among students of the rewarding career opportunities available in business and industry.

To intensify interest among business and industry leaders in encouraging students to prepare for careers in business and industry.

To expand knowledge of educators in the State of the career opportunities available in business and industry and the qualifications necessary for such careers.

To increase appreciation and understanding among parents of the advantages to students in preparing for careers in business and industry.

To make the resources and facilities of business and industry available to educators.

To foster the principles of our American profit-motivated free enterprise system.

To maintain a closer and continuing relationship between the education and business-industry communities in areas of mutual interest.

Mr. President, the ABIEC provides speakers for the schools, but the program is much more. It is designed to give students the fullest possible exposure to careers in business and industry. A Phoenix Gazette article reporting on the group's annual meeting gives a good account of the ABIEC program and effectiveness.

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:

YOUTHS GET "CAREERS" MESSAGE

(By Charles Rayburn)

The Arizona Business-Industry Education Council, an organization dedicated to bridging the gap between school and the world of work, has conveyed the "careers" message to 40,000 Arizona students during the current school year, ABIEC president Ivan Murray reported at the group's annual meeting this morning at Phoenix Country Club.

Through the ABIEC's speaker's service, numbering 367 volunteer speakers from business and industry, more than 36,000 of the students received career advice in the classroom and another 4,000 have been contacted at "Career Day" functions at the schools, Murray said. By the end of the school year, he added, the figure will grow to 52,348 students.

The speaker's service coordinator is James Kerr of the Arizona State Employment Service, currently serving as loan executive to the National Alliance of Businessmen's JOBs program.

Gene Dorr, assistant superintendent of public instruction, described the ABIEC as "the catalytic agent between school and the world of work," involving all grade levels, all subject matter, all jobs in the working world, all students in the classroom and all teachers. "It revolutionizes education, enriches it, embellishes it and relates it to the world of reality. It provides the students with the ability to see, hear and smell the environment of a particular job. And we need people who are willing to carry the message tc students from kindergarten through the 12th grade."

Master of ceremonies for the breakfast meeting was Harry Montgomery, former associate publisher of The Phoenix Gazette and The Arizona Republic who recently retired. Montgomery, chairman of the ABIEC executive advisory board, was chosen Phoenix Man of the Year for 1971 by the Phoenix Advertising Club. "His service to our community has been one of dedicated involvement," Murray noted.

Montgomery emphasized in his opening address that ABIEC is not a vocational education program but rather is designed to provide as much total career exposure as possible to students from their earliest days in the classroom. "The careers program," he noted, "which has been so successful in its 10 years of life, proves that voluntarism is still active." He pointed out the budget of $5,632 is clear indication of the volume of time and effort spent freely by the members.

George Diefenderfer, executive director of ABIEC, said he has received queries from numerous other states regarding formation of such organizations. The Arizona council was patterned after one formed 12 years ago in Southern California, he said, under leadership of Adm. Charles Horne of General Dynamics, Pomona, Calif. "Horne recognized that industry had tremendous resources which could be beneficially used by schools. The Arizona group was formed under the guidance of then Gov. Paul Fannin."

ANTIWAR DEMONSTRATORS

Mr. FANNIN. Mr. President, the so-called antiwar demonstrators make up a minute portion of our population, but they get extensive television coverage which makes it appear that they represent a large segment of America.

If we look beyond the hysterical few who are mugging the cameras, we will see an America which has a quiet confidence that President Nixon has taken measures which are essential in protecting the future freedom of our Nation.

For every hundred demonstrators there are thousands of other Americans who support President Nixon.

No nation, or man, becomes great without facing trials and tribulations. No nation, or man, remains great without a commitment to meet the obligations of leadership.

A reminder of this is carried in the May 11, 1972, issue of the Brewery Gulch Gazette. I believe that the editorial, written by Bill Epler, demonstrates that a good little weekly in Bisbee, Ariz., can be a lot more perceptive than some of the big dailies which automatically oppose anything the President proposes.

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:

THE BREWERY GULCH PHILOSOPHER SAYS—

(By Bill Epler)

President Nixon is right. Deep down inside we all know it, but the generation that has come on the scene since the end of World War II contains a number who are too chicken to face up to the fact that if a free people are to remain free there are times when they have to lay it all on the line. Times when they have to look the dragon right in the eye and say it is either you or me. The crisis in Vietnam is one of those times—we either stand up to the test now or wait for it somewhere else down the line. Our situation now is the bitter fruit we are reaping for the failure of President Kennedy and then L.B.J., once that our military had been committed to the fight, to permit our forces to take all measures short of nuclear weapons to win the war. If they had, the Vietnam war would have been over a long time ago. Nixon has finally done what should have been done a long time ago. There will be no major war, no nuclear show-down between the major powers, if for no other reason than it is not worth it to the Russians and Chinese. But the Reds may discover at long last it is no paper tiger they have pushed up against the last wall.

RELEASE OF CERTAIN DOCUMENTS BY SENATOR GRAVEL

Mr. SCOTT. Mr. President, earlier today when I was absent from the Chamber, the senior Senator from Alaska (Mr. GRAVEL) took issue with a statement I had made to the effect that the public release of certain material by him was a violation of law.

The Senator asked that it be conveyed to me that he requested either a bill of particulars regarding the violation or if not that, I issue to him a public apology.

Mr. President, I have no intention of apologizing to the Senator from Alaska for any statement I may have made regarding his unlawful release of documents in his possession. Further, Mr. President, since the Senator has raised the issue I would like also to note that I believe the view to be widely shared that if not the letter, then surely the spirit, of the Senate rules was bypassed by his placing in the RECORD excerpts from the document that on two separate occasions the Senate in secret session has prohibited him from introducing into the RECORD.

This, Mr. President, is action by a Senator which ought not to be condoned, action which was taken without any notification to the leadership of either party of his intent to engage in this particular action.

Any Senator who so flagrantly flouts the will of the majority of his colleagues as did the Senator from Alaska is not entitled to an apology. Rather, the contrary is true.

In regard to a bill of particulars relative to a violation of Federal law, I quote from sections 793 (e) and (f) of title 18 of the United States Code:

> Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it. . . . Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The junior Senator from Alaska admitted on the floor of the Senate that he knew these documents to be classified. I quote from page 16418 of the RECORD where the Senator states:

> I presume that document is classified "secret." In fact, I have every reason to believe it is classified "secret." I know it is classified "secret."

The Senator also stated, in relation to the material he read on the Senate floor that day:

> I have tried to get these documents in the RECORD. The areas that I quoted today were not quoted previously on this floor or in the newspapers.

These classified materials related directly to the potential efficacy of the military strategy being employed at that moment by the United States in Vietnam. These classified materials commented directly on possible means of thwarting the U.S. military strategy that was at that moment being employed in Vietnam. Anyone publicizing such classified material must know that it "could be used to the injury of the United States or to the advantage of any foreign nation."

Finally, even if it be argued that the junior Senator from Alaska had lawful possession of these classified materials, his actions should be considered in the light of section 793(d) of title 18 of the United States Code, which states:

> "Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it . . .

While a Senator benefits from certain immunities from prosecution, the laws and their penalties apply to all. That Senators may ignore laws for which non-Members of Congress could be prosecuted suggests that, if the privilege is relied upon, the wisdom of the default is subject to fair comment.

THE NEED TO ENACT EFFECTIVE FIREARMS LEGISLATION

Mr. KENNEDY. Mr. President, once again I invite the attention of the Senate to the need for effective firearms legislation.

Each time a gun blast has stricken a public figure in recent years, America paused in solemn reflection. But we have not yet produced a national system to provide safeguards against the abuse and misuse of firearms.

In the wake of the shooting of Governor Wallace, we hear proposals to alter drastically the process by which we choose our national political leaders. Only through televised appearances would the public learn of each contender's views on pending issues. Still others are likely to propose more policy protection for potential nominees. And, surely, there will be louder and stronger advocates for stiffer penalties for persons convicted of gun crimes.

Each of these proposals probably merits some consideration. However, I am seriously concerned about these approaches to the problem of guns and the abuse of guns. Not one of these approaches is designed to resolve the real cause of our national concentration on gun violence.

Instead of seeking the proper answer to the misuse of guns, we appear to be more committed to seeking ways to change other behavior so that we might continue our distorted passion for firearms.

Instead of seeking ways to control firearms, we seem to be more interested in adjusting other patterns of life to accommodate the nationally misguided preoccupation with guns. But no one is talking about ways to effectively control the fanatical misuse of guns. No one is talking about enacting a Federal firearms control system that will begin to eliminate the dangers caused by the senseless use of firearms.

Why should contenders for political office insulate themselves from the very public they seek to serve? What sense does it make to increase the protection around political personalities, when it is clear that even a heavily guarded candidate cannot be protected from an assailant who is singlemindedly intent on carrying out his mission?

Stiff prison sentences and new devices to inhibit the aims of potential attackers are clearly misdirected. For recent attacks prove that a political nominee is obviously such an attractive target that prison sentences and other penalties fail to deter those who believe the gun is an alternative to the ballot box.

Whenever I read of death caused by gunfire, I am saddened and distraught—and I read of gun deaths too often. In 1971, over 10,000 Americans were murdered by gunfire. Over 10,000 people lost their lives because, as a Nation, we believe it is more important to confine a convicted murderer than to make the tools of murder inaccessible.

As a Nation, America leads the world in gun crimes—over 10,000 murders, and 200,000 armed assaults—because private American citizens own too many guns.

Enough guns exist in this country to provide one to every boy and man between 14 and 65. Some estimates suggest that 200 million guns are owned by civilians. If that is so, then practically every man, woman, and child could be armed.

I do not believe Americans want to live in armed camps. Nor do I believe that as a people we so distrust our neighbors that we cannot live in harmony or continue to comfortably pursue our familiar life styles.

It is for that reason that I believe it is fitting and appropriate for us to begin now to resolve consciously the problem of gun crimes in this country. The way to do that is reduce the easy access to guns and ammunition.

Fifteen months ago, on February 17, 1971, I introduced S. 831, the Personal Safety Firearms Act. My bill severely restricts the manufacture and distribution of handguns—the weapon used in 52 percent of all murders. Even though hand guns account for over half of all murder weapons, they make up only 26 percent of all firearms owned by civilians.

Long guns—rifles and shotguns—account for another 13 percent of all murders in the United States. My bill provides for strict testing procedures to assure that anyone who owns a gun must demonstrate that he is competent in its

use. Under my bill, all owners of long guns must be licensed, and all long guns must be registered.

At the same time, my bill eliminates the continued domestic output of handguns that fail to fit the strict requirements of sporting weapons.

Now is the time to enact a Federal system of firearms control. It cannot be said that this serious national issue must be debated and studied in order for the Senate to act. For as long I have been in the Senate, the Judiciary Committee has conducted at least 35 days of hearings on gun control. More than 150 witnesses have testified about Federal firearms legislation. Until 1969, three succeeding Attorneys General had appeared before the committee and stated that the Federal firearms legislation is one of the most important and meaningful recommendations that could be made to halt crime and violence in this country.

Three Presidential Commissions—the National Advisory Commission on Civil Disorders in 1968, the National Commission on the Cause and Prevention of Violence in 1969, and the Brown Commission Report on the Reform of Federal Criminal laws in 1970—all strongly recommend stringent federal firearms controls.

Mr. President, I am firmly convinced that we must act at this time to establish stronger Federal firearms legislation.

In the days ahead, I expect to work for the enactment of such legislation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is concluded.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Chair now lays before the Senate the unfinished business, S. 3526 which the clerk will state.

The legislative clerk read as follows:

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.

The ACTING PRESIDENT pro tempore. The pending business is on agreeing to the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD), No. 1187, as modified, the time to be divided between the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Idaho (Mr. CHURCH).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized for 1 minute.

Mr. ROBERT C. BYRD. Mr. President, on page 17266 of yesterday's RECORD, May 15, 1972, I stated the reasons for my having offered amendment No. 1187, as modified, and the reasons for my support of that amendment. I see no reason to expand on what I said yesterday. Anything I would say today would be merely repetitious of my statement on yesterday. I, therefore, ask unanimous consent that my statement of yesterday in its entirety be printed in the RECORD of today at this point.

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

STATEMENT BY ROBERT C. BYRD

Mr. President, on May 9, I offered amendment No. 1187 to amendment No. 1186, proposed to S. 3526 by the distinguished senior Senators from Idaho and New Jersey. I did so at that time for the simple reasons of conscience and conviction.

My attitude is quite uncomplicated with respect to this matter. I view the matter—in the context of my amendment—as one basically of humanitarianism, buttressed by a strong revulsion toward the prospect of a continuation of the killing in Indochina. The United States has lost more than 50,000 killed and 300,000 wounded since the Vietnam war began. The dead and the wounded among the Vietnamese people—both combatant, and noncombatant—number many hundreds of thousands.

As long as the guns are firing, as long as the shells are exploding and bombs are dropping, men, women, children—military service personnel and civilians—will continue to die. It is long past the time that this slaughter should have ended. But it will not end until the guns, all the guns—not just U.S. guns and not just South Vietnamese guns, but all the guns—including those of the North Vietnamese, are stilled. The guns will not be stilled and the killing will not cease until both the North Vietnamese forces and the South Vietnamese forces cease their own firing. Moreover, a ceasefire in Indochina would insure against the possibility of U.S. forces getting involved perhaps at some future date in the protection of Thailand.

The President of the United States has proposed several times to the North Vietnamese that the parties to the conflict negotiate in good faith to end the war. Two weeks ago the President tried once more. He offered a plan for peace so generous in its terms that one of the Nation's most respected news analysts—and heretofore one of the administration's severest critics—felt moved to say, "If the North Vietnamese do not accept these terms they are crazy."

As is well known to my colleagues in this Chamber, the President's offer contained a provision for an internationally supervised cease-fire. The amendment proposed by Senators CHURCH and CASE seeks to cut off funds—as of a specific time after our prisoners of war are returned and our missing in action are accounted for—for our remaining air, naval, and ground forces in South Vietnam.

I support the desire—as everyone else does—to bring home our American servicemen who are still in Vietnam. Regrettably, however, the adoption of the Church-Case language in itself would not stop the killing in Vietnam.

There is no question in my mind, Mr. President, with respect to the sincerity, the honesty in their purposes, or the dedication to this Nation's best interests of those Senators who favor the Church-Case amendment. I share those sentiments with them. But if there is to be an end to the war soon, if there is to be an end to the wholesale slaughter of civilians and military personnel in Vietnam, it cannot be accomplished merely by withdrawing the few remaining U.S. forces from Vietnam.

The President's latest proposal to end the war involves the return of the prisoners, the withdrawal of U.S. forces, and a cease-fire—an internationally supervised cease-fire—through Indochina.

I said earlier that they were most generous terms which many critical observers have been advising North Vietnam to accept. They are also terms which may have considerable appeal to the Chinese People's Republic and to the Soviet Union—whose interests are not necessarily identical to, and which do not necessarily coincide with, those of the leaders in Hanoi.

We have heard the many predictions about the disastrous results in our relationships with Peking and Moscow which would result from the actions announced by the President on May 8 to prevent the supplies of war from reaching the invading forces of North Vietnam, but today it seems more and more hopeful that these predictions will not come about. I hope they will not be fulfilled. There is some indication, at least, that the People's Republic of China and the Soviet Union possibly view our actions in the larger context of their own larger interests. They may similarly be able to view the President's proposals in a larger context than can the leaders in Hanoi.

The President's recent trip to China and the trip that he will shortly take to Moscow involve relationships that not only may well have an important bearing upon the terms for a cessation of hostilities in Indochina, but also undoubtedly involve relationships that are much broader—subjects that are far more monumental in terms of their impact upon lasting peace throughout the world—than just those which relate directly to the war in Vietnam. Conceivably, American insistence on a cease-fire in Indochina could have some appeal to both the Soviets and the Chinese. The Chinese are interested in seeing U.S. forces out of there, and this is what the proposition for a cease-fire offers. The Soviets have larger considerations than Vietnam. Therefore, I think that the President should be allowed to explore all of these possibilities along the lines of the proposals he made on May 8, and I do not believe that we should preempt that possibility by resigning ourselves in advance to the idea that hostilities cannot be stopped, that a cease-fire is not attainable, and that the killing cannot be ended in Vietnam.

There are those who say that the North Vietnamese will not agree to a cease-fire or that the South Vietnamese will not agree to a cease-fire. This is a matter of opinion. We do not really know what may yet come out of all this, and I would not want to second-guess what either government will or will not do in the days ahead.

It may be at a later time, Mr. President, that I would vote for just such language as that which has been proposed in the amendment by Mr. CHURCH and Mr. CASE. But as of now, I do not feel I could vote for that language as it now stands, the trip to Moscow being at hand, and there being a possibility—in my own mind, at least—for some kind of internationally supervised cease-fire which would stop, once and for all, the wholesale killing in Vietnam. This, Mr. President, is the way I personally see the

matter. Such a cease-fire could be supervised by Asian nations themselves, conceivably, which would even be preferable inasmuch as they would have a special interest in preventing the continuation and spread of hostilities.

I voted in the caucus last week against the Church-Case language. I was one of the eight who voted against that language, but I stated at the time that I would keep my options open insofar as action on the floor was concerned. The amendment I have offered is one which would, therefore, enable me to vote for the cutoff of funds. In my own view, therefore, the adoption of my amendment could enhance and improve the chances for passage by the Senate of a funds cutoff.

As I say, it may be that at a later date I might be willing to vote for a stricter application of the cutting off of funds, but as of now I do not view an internationally supervised cease-fire to be hopeless. I think it would be very, very desirable if such could be obtained, and I think we ought to do our utmost to obtain a cease-fire.

As I say, feeling that the larger interests of the Soviet Union and the Republic of China are such that they do not coincide with the more narrow interests of the North Vietnamese, I feel that the President should be given every chance to see if there is any prospect whatsoever for an internationally supervised cease-fire which would stop the wanton murder of women and children as well as military personnel in Vietnam. I believe this is hardly the time for the Senate to interpose a mandatory cutoff of funds which does not carry with it a requirement for a cease-fire.

I have no count on what the vote will be tomorrow. I have not asked any Senator as to how he would vote. I have not asked any Senator to vote for my amendment. I do not intend to do so. This is a matter of deep conviction with all Senators. It is a matter which has its emotional aspects with all of us, and I do not feel that is my role to attempt to prevail upon the wishes of other Senators or to persuade them to see my viewpoint. How other Senators will vote will be a matter of their own conscience entirely.

Other Senators are as dedicated to the future of our country and as loyal to their respective consciences as I am to mine, and they are perfectly capable of making up their own minds on this matter. However they may vote, every Senator will have my personal respect for his viewpoint. I always try to keep in mind that I can be wrong, and I often am wrong, but I am following my own convictions in this matter, and I have stated my reasons for offering the amendment. I have also stated my reasons as to why I shall support it on tomorrow.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and 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 (Mr. ALLEN). Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12 o'clock noon today.

The motion was agreed to; and at 11:39 a.m., the Senate took a recess until 12 o'clock noon; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

GOV. GEORGE WALLACE OF ALABAMA

Mr. STENNIS. Mr. President, earlier in the day, I attended a scheduled and important briefing about the situation in Vietnam. I greatly regret that I was not in the Chamber when the distinguished Senator from Alabama (Mr. ALLEN) made his remarks concerning Gov. George Wallace of Alabama, and the serious, wounded condition he is in. The Senator's remarks were a tribute to the courage, the high purposes, and also the splendid and effective campaign of Governor Wallace. I wish to join in the sentiments of those who have paid tributes to Governor Wallace.

The Senator from Alabama made some timely comments that I was very much interested in, with reference to the conditions which prevail when these kinds of assaults with deadly weapons occur against a man who is offering his candidacy and his political philosophy to the people, to enable them to make a choice as to whom they wish to select to be President of the United States.

I am pleased to support the joint resolution the Senator from Alabama presented, which was passed by the Senate as a tribute to Governor Wallace. I extend my sympathy and my prayerful good wishes to his family.

The Senator from Alabama properly presented Governor Wallace as being a man of the people and a champion of great causes on their behalf.

Mr. President, let me reflect briefly on the conditions that face this country today. Assaults of this kind, of which we have had several over the past few years, present a real and distinct threat to our system of Government—not just to individuals but to our whole system of Government—in two ways.

It makes it unsafe and dangerous, to a degree, for any man to stand up before the electorate as a candidate for the high office of President of the United States. A man has to take great physical risks that should not have to be taken. In addition, an incident of the sort tends to keep the people from participating in the campaigns, the rallies, and political gatherings that relate to the choice of their President. It makes it dangerous for them to be among the crowds or otherwise exposed. It makes for uncertainty in the future political gatherings and a continuation will make it impossible for us to carry on, in a normal way, campaigns for this high office in our great land that was once a place of freedom and liberty.

Mr. President, I may say something more complete about this later, but I cannot avoid the conclusion now that part of the cause of these kinds of attacks—not the sole cause, but part of it—is due to the spirit of permissiveness or semipermissiveness which has grown up in this country and which has not been sufficiently challenged with more meaningful punishment for those guilty of wrongdoing.

If we let these attacks go on and happen, one after the other, with no severity or meaningful punishment, then the idea gets into the minds and purposes of many people, who are not maniacs by any means, and soon they think, "After all, I can do this because no severe or great punishment will be meted out to me."

Thus, Mr. President, I think that in some way we must further consider this problem and find a way to do something about it.

I close with the sentiments of good wishes and the best of hope for the survival of this truly fine man, and I send those good wishes and my hopes, too, to the members of Governor Wallace's family.

I commend the Senator from Alabama (Mr. ALLEN) for his noble thoughts and fine statement.

Mr. ALLEN. Mr. President, I wish to express my deep and sincere appreciation to the distinguished Senator from Mississippi (Mr. STENNIS) for his eloquent and thoughtful remarks, and to assure him that I join him in his expressions as to the breakdown in law and order and the frustrations we encounter in our democratic processes which prevent candidates from appearing before the public and expressing sincerely their beliefs and presenting their cases to the people of the country.

I commend him for his comments.

With respect to the Governor of Alabama, I know that he is a great admirer of the Senator from Mississippi. I know that the Senator from Mississippi supports many of the aims and positions on issues of the Governor of Alabama.

This is, indeed, a sad occurrence. It is a great tragedy that has befallen our country.

Once more I commend the Senator from Mississippi for his fine remarks.

Mr. ROBERT C. BYRD. Mr. President, I yield an additional 5 minutes to the Senator from Mississippi, and ask unanimous consent that the Pastore rule of germaneness be waived for today.

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

The Senator from Mississippi is recognized for 5 minutes.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Mr. President, I yield first to the Senator from Alabama (Mr. SPARKMAN) and then I will yield to the Senator from South Carolina.

Mr. SPARKMAN. Mr. President, I join in the remarks that my colleague (Mr. ALLEN) has made. I also commend the Senator from Mississippi (Mr. STENNIS) for what he has just said.

I may say that some of the greatest shocks in my life have come as a result of such tragedies as occurred yesterday to Governor Wallace. I remember back when President John F. Kennedy was assassinated. The distinguished Senator from Idaho (Mr. CHURCH) and I were down at the State Department having luncheon with some Philippine Senators when we got the tragic news. Somehow, I

simply could not grasp the possibility of a thing like that occurring in this country. Then later, there was the assassination of Robert F. Kennedy; and now yesterday, the tragic shooting of Governor Wallace.

I do not know what the answer is, except a restoration of law and order, with respect restored for the rights of people generally throughout the country.

Again I commend the Senator from Mississippi for his fine statement.

Mr. STENNIS. I thank the Senator from Alabama very much.

The Senator from South Carolina has asked me to yield to him and I now yield 2 minutes to him for that purpose.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to commend the distinguished Senator from Mississippi (Mr. STENNIS) for his remarks as well as those of the able Senator from Alabama (Mr. ALLEN) this morning.

Mr. President, the shooting of Governor Wallace was no less than a tragedy in this country.

It is a symptom of the crime wave which has been spreading over this Nation for a number of years.

If the Senator from South Carolina had to put his finger on the one thing that is causing this crime wave in this country today, it would be the decisions of our courts which are turning criminals loose on technicalities.

After an incident like the one yesterday, and many others which have occurred, I hope that the courts will reconsider some of their decisions and clamp down on the criminal and protect the victim, as well as those who are being charged with crimes.

Mr. STENNIS. Mr. President, I thank the Senator from South Carolina very much for his remarks.

Mr. President, with respect to the remarks that I have made about the lack of punishment, as I see it, being a contributing cause, I may, as I say, develop those remarks later. However, those points apply, in my opinion, to the loss of our late great President, John F. Kennedy. They also were a part of the picture and contributed to the death of the late Robert Kennedy who was then a candidate for President, as well as the death of the late Martin Luther King the same year. We now have the same problem with reference to the assault with a deadly weapon on Governor Wallace.

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

Mr. ROBERT C. BYRD. Mr. President, I yield 5 additional minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. STENNIS. Mr. President, I thank the Senator from West Virginia, and I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I want to express my own dismay at the foul attempt made on the life of Governor Wallace. I am praying for his full recovery, and for an end to violence in our land.

Sanity somehow seems to be giving way to savagery. What is necessary is leadership to mend and heal the divisions in our country which lead to such terrible acts.

I fully join with the distinguished Senator from Mississippi (Mr. STENNIS) in his expression of concern. The whole country hopes that Governor Wallace will recover rapidly and fully from the bullet wounds inflicted on him yesterday.

Mr. STENNIS. Mr. President, I thank the Senator from Idaho. As always, he has a very high approach and very fine purpose in the things that he does and says.

I again commend the Senator from Alabama and the Senator from South Carolina for their remarks.

Mr. TUNNEY. Mr. President, the assassination attempt against Gov. George Wallace is a mindless act of violence that is at once symptomatic and descriptive of the social and political divisions that send this land. My heart goes out to Governor and Mrs. Wallace, and I pray that he has a speedy and complete recovery.

I cannot imagine any better way of threatening our democratic institutions than a continuation of the repeated attacks against public figures that have taken place over the past decade. Political leaders are thought by some to be the personal incarnation of all the fears, frustrations and the despair that afflicts our society. Resorting to a distorted, primitive and ruthless form of animism, there are a few maniacs who believe they can right wrongs and eliminate the causes of injustice by killing those in positions of political leadership. It is clear that such insanity represents more than a clear and present danger to the potential victims of such assault, it undermines our faith in the efficacy of leaders going to the people to speak their minds on the major issues of our time and seek public approval for those positions. If an officeholder or a candidate for public office is under imminent danger of physical attack, it will not be long before he will be barred from public appearances and will communicate exclusively through the media. He will become an isolated figure and inevitably remote. Remoteness is antithetical to the democratic process, which thrives on emotional and intellectual give and take; on having ideas exposed in the marketplace for approbation and criticism.

The tragedy which has befallen the Wallace family is quintessentially a tragedy for all America. Somehow—sometimes—reason and order must replace fantasy and violence.

Mr. METCALF. Mr. President, it was my privilege to be presiding over the Senate when the junior Senator from Alabama (Mr. ALLEN) submitted a joint resolution deploring the attack on Governor Wallace and made an eloquent tribute to Governor Wallace. I also heard the majority leader, my colleague from Montana, Senator MANSFIELD, and the minority whip, the Senator from Michigan (Mr. GRIFFIN) speak in sympathy and sadness about the shooting of Governor Wallace.

I want to add my voice to theirs. Governor Wallace as he campaigned for President of the United States was representing many of the people of America. Even though Governor Wallace first attracted national attention as the man who stood at the schoolhouse door defying an Assistant Attorney General of the United States who was seeking to enforce an order of the Supreme Court, he has since emerged as a more complete political figure. And that is an appealing and attractive one. Time after time he has spoken out for the American rank and file, on taxes, on corporate control of America, on drugs, on our involvement in Vietnam and scores of other issues. In taking forthright and courageous positions he brought to the presidential primaries a bright and different approach.

The attack on Governor Wallace is a horrifying thing in a democracy. It is horrifying even in the light of other assassinations. If any man cannot offer his services and his talents as President of the Republic without fear for his life then our very freedoms as an independent people are at stake. As the Senator from Alaska has pointed out the American people have accepted violence and wanton killing of civilians in North and South Vietnam alike. But a personal attack on a public figure is not yet a part of the American political pattern. Whatever our political beliefs our hearts go out in sympathy to Mrs. Wallace and the Wallace family and we are outraged and angry at the cowardly attack upon a brave and outspoken American.

EXECUTIVE SESSION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations that were reported favorably by the Committee on Armed Services earlier today.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of executive business.

Mr. STENNIS. Mr. President, the Armed Services Committee has reported routine nominations for a large number of men in the military, including cadets at the Air Force Academy who are being nominated for second lieutenant and will graduate in a few days. These names were all before our committee for the required time. There is no objection to any of them. There are as well, the nominations of two of the astronauts who, I am informed, will be in the Chamber in a few minutes.

I ask unanimous consent that the normal 1-day rule of the Senate that would cause these names to lie over for 1 day be waived.

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

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

ROUTINE NOMINATIONS ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read routine nominations in the Air Force, Army, and Navy on the Secretary's desk.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

RESIGNATION OF JOHN CONNALLY AS SECRETARY OF THE TREASURY

Mr. ROBERT C. BYRD. Mr. President, I have just learned of the resignation of John Connally from his position as Secretary of the Treasury, and I want to take this opportunity to commend him on the job he has done over the past several months.

Secretary Connally is resigning at the top of his power and effectiveness on the Washington scene. My judgment is that he is easily one of the outstanding public figures in America today. One can readily understand why the President has reposed such confidence in him.

I agree with the President's recent estimate of this great Texan, that he is capable of handling any job in which he might be interested. I commend him for the service which he has already given his country and I wish him well in the future in whatever he may wish to undertake.

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 and joint resolution in which it requests the concurrence of the Senate:

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 14742. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age sixty;

H.R. 14752. An act to provide for the conversion of servicemen's group life insurance to veterans' group life insurance, and for other purposes; and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States; to the Committee on the Judiciary.

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial; to the Committee on Rules and Administration.

H.R. 14742. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age sixty.

H.R. 14752. An act to provide for the conversion of servicemen's group life insurance to veterans' group life insurance, and for other purposes; to the Committee on Veterans' Affairs.

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes; to the Committee on Rules and Administration.

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.

Mr. ROBERT C. BYRD. Mr. President, I am sure that the distinguished Senator from Idaho would be pleased to yield to the able Senator from California (Mr. CRANSTON). I take the liberty of yielding to the Senator from California 15 minutes on the part of the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I do not agree with the White House that an internationally supervised cease-fire should be included among the conditions for withdrawing American troops from Vietnam and for stopping all act of force in Southeast Asia.

A cease-fire sounds desirable and reasonable to all Americans. And I wish that there could be a cease-fire. However, to demand a cease-fire is totally unrealistic because it will make our withdrawal harder to achieve, not easier. The proposed question before us is really when our air power which is being used in South Vietnam to protect those Americans who are still there on the ground will cease to be exercised so that we are able to get them safely out and to get our prisoners of war safely out, or whether that power should still be used to prop up the leadership in South Vietnam if we make our departure from that war based upon a cease-fire as a condition of our involvement in that war.

Mr. President, under the present circumstances insistence on a cease-fire could endlessly complicate matters. There could be endless wrangles over the composition of the international commission to supervise the ceasefire. There could be disagreement over whether to give North Vietnam and the Vietcong two separate places in the negotiations. We might even once again quarrel over the shape of the table at which the commission would sit. Every minor violation would be blamed on the other side. The channels to peace would be clogged by endless wrangling.

The North Vietnamese have never liked the idea of a cease-fire requirement. The Saigon government would have to be a party to the cease-fire arrangements. With that kind of leverage, Thieu and his generals could keep us in the fighting indefinitely. While charging the other side with violating the terms of the cease-fire, they could veto further American disengagement. So long as the President and the Congress insisted on the cease-fire requirement, Washington could be blocked from reaching any other agreement with Hanoi.

As far back as October 1970, President Nixon offered Hanoi a peace plan which included a cease-fire. Hanoi rejected it, arguing in favor of a cease-fire only after a "government of national concord" was formed. Any prior acceptance of a cease-fire they said, would erode Hanoi's gains.

Just as the mining of North Vietnamese harbors distracts attention from bankrupt military policies, so the current American insistence on an internationally supervised cease-fire conceals the administration's unrealistic and stubborn insistence on the perpetuation of a pro-American government in Saigon.

No less an authority than Averell Harriman, writing in the Los Angeles Times last week, commented that—

> This Administration has never accepted the concept of a neutral non-aligned South nor has it given up its futile attempt to maintain a pro-American government in Saigon. If we accept the principle of non-alignment and agree to the prompt withdrawal of all American forces, I believe there is still an opportunity for a responsible settlement that will give the South Vietnamese a more reasonable chance for their future than would continued war.

Those are not the words of Le Duc Tho. They come from one of America's most distinguished Ambassadors. For us to insist upon a cease-fire amounts to the imposition of Communist tyranny and terror on 17 million people.

But to judge from the President's speeches of April 26 and May 8, anything other than the perpetuation of a pro-American government in Saigon amounts to the imposition of "Communist tyranny and terror" on 17 million unwilling people. The people of Vietnam should decide for themselves whether they want peace or war; they, not us, should decide what form of government they should have. I commend the President for not laying down specific political conditions regarding Saigon's political future, but I worry that this military moves might endlessly prolong the bloodshed and turn South Vietnam into a political, as well as a military, no man's land.

To implement cease-fires proposed in the past, both the United States and South Vietnam have rejected the International Control Commission for Vietnam in favor of a new supervisory group. Such a rejection is only one more slap in the face of the Geneva accords of 1954. More difficult to solve, however, is the contradiction that arises from seeking to impose a conventional military solution—such as a cease-fire—to an unconventional war. There are few defined battlelines. Some areas are still controlled by the Government by day and the Vietcong by night. The part-civilian, part-military nature of the Vietcong's political infrastructure would make a cease-fire difficult to enforce.

It is not even clear whether the White House favors a cease-fire in place, or whether the North Vietnamese would be required to withdraw. The President's speech made no mention of a withdrawal requirement for Hanoi. But on April 7 Defense Secretary Laird ruled out negotiations until North Vietnam withdrew its forces behind the DMZ.

Even Secretary Rogers has used the word "impractical" to refer to the notion of a cease-fire in the absence of a total settlement. I thoroughly agree. In fact, the entire web which has been woven so tightly around our military presence in Southeast Asia is riddled with weak strands. Let me mention just a few more.

The administration is responding to an immediate military crisis, involving the near-collapse of the South Vietnamese Army, with a naval action whose effect admittedly will not be felt for many weeks, even months. The United States continues a policy of American military muscle-flexing to compensate for the well-known absence of effective South Vietnamese leadership. It is noteworthy, by the way, that the President's speech of May 8 did not use the word "Vietnamization" once. There is the fiction of maintaining that the mining of North Vietnam's harbors is not aimed at any other countries, when in fact the target is the Soviet Union. Any Soviet effort to stop our arms deliveries to South Vietnam would be met with shock and outrage—or worse.

There is no denying that the mining of North Vietnam's harbors raised the possibility of a naval confrontation with the Soviet Union for the first time since the Cuban missile crisis 10 years ago. How can the President talk about accepting the validity of Soviet interests and then turn around and take such a step? To top it all off, he then pushes the blame for any ensuing Soviet-American tensions on Moscow. Even while threatening Soviet ships with mines, he states American willingness to continue to build a Soviet-American relationship and blames the Kremlin if we fail.

Mr. President, I suggest that these contradictions and inappropriate responses are not merely part of Mr. Nixon's personal train of thought. I suggest that they are basic to the way of thinking that has twisted and distorted American foreign policy throughout the administrations of Presidents Eisenhower, Kennedy, and Johnson as well. They combine a kind of hard-nosed militarism with outdated political concepts. Spokesman after spokesman hauls out and dusts off the domino theory, the moralism, the manifest destiny mentality, the bloodbath bugaboo, and the ideological rigidity of the cold war.

Mr. President, I say that it is time to put aside the myths that got us into Vietnam in the first place. I say that we do not need an internationally supervised cease-fire to stop fighting. We can stop fighting anytime we want. By relying on a mere fraction of our current airpower, we can pull out the remaining 60,000 American men in South Vietnam within a matter of days. Only in this way can we hope to recover American prisoners of war.

I know of no war in history where prisoners have been returned before the war has ended. The surest, swiftest way to get them home is to end our involvement in the war. How can we expect Hanoi to release them before we stop fighting?

It takes only one side to end American involvement. I say that the responsibility for the continued internment of the POW's rests squarely on Mr. Nixon and Mr. Kissinger. If they want to bring them home, they can. Our men in Hanoi are being used, cruelly used, as hostages justifying the perpetuation of this endless war.

Our men in South Vietnam are being used in the same way. Even while they face encirclement, the administration is carrying on the very policies that threaten them in the first place. Since the President really wants to protect our men, he should bring them home.

The answer is that they are a convenience. As long as they are there, the administration will have an excuse for continuing to drop death on Vietnam. As long as they are there, Pentagon spokesmen will try to justify continued and escalated warfare. As long as they are there, our naval forces will be pushed into risking a major confrontation with the Soviet Union. As long as they are there, we will not see an end to American air and naval involvement.

Our ground troops are being held hostage to our air and naval forces. And all three are being held hostage to the Thieu government. Let us liberate our men from this horror. Bring them home.

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

Mr. ROBERT C. BYRD. How much time does the Senator desire?

Mr. SYMINGTON. Five minutes.

Mr. ROBERT C. BYRD. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, these are reasons why I oppose the Byrd amendment.

Last January 25, President Nixon offered a plan for withdrawal of U.S. forces in 6 months, provided all our prisoners were returned. He added to his proposal what was then characterized as a "hooker," namely, that the North Vietnamese must also agree to a military cease-fire throughout Indochina.

At that time I felt the cease-fire stipulation killed any chance of his plan being accepted, because in the past Hanoi has consistently refused to consider a military cease-fire prior to a political settlement.

As far back as October 1970, President Nixon offered North Vietnam a five-point peace plan; and the first of those points was a cease-fire. The North Vietnamese promptly rejected the plan.

In July 1971, Hanoi offered a peace plan, one which stipulated that a cease-fire arrangement would only be agreed to after a "government of national concord" was formed. At that time also Le Duc Tho announced that if President Nixon tried to link an agreement on the fixing of a withdrawal date with a cease-fire agreement, there would be no agreement.

The reasoning advanced by Hanoi for their attitude in opposition to a cease-fire was that, without a political settlement, this would be tantamount to their losing the war.

Territorially they would be placed in a disadvantageous position in South Vietnam, Laos, and Cambodia. Infiltration would have to stop; and the result, in their stated opinion, would be a victory for Saigon on the diplomatic front after it had become clear South Vietnam was incapable of winning on the military front.

In other words, it is clear and has been for many months, the North Vietnamese will not accept a military settlement—cease-fire—before a political settlement.

If that has been thenr position in the past, why, after their recent military progress would they be willing to do so now?

The Church-Case amendment, as approved in the Democratic caucus by an overwhelming majority, 35 to 8, would appear the most practical and construc-

tive step proposed to date in effort to end this continuing, inadvisable, unnecessary, and unwise loss of American lives and treasure in Indochina.

If we add to that amendment, however, the amendment offered by the distinguished Senator from West Virginia we will, in effect, be negating the substance of the Church-Case proposal by adding a provision already known to be unacceptable to the North Vietnamese, namely, a military cease-fire.

For these reasons, I will vote against the Byrd amendment. If it is accepted, I will then feel obligated to vote against the Church-Case amendment, because the latter would then be an amendment of form as against substance, and one which could only raise false hopes in the minds of the American people.

Mr. COOPER. Mr. President, will the Senator yield me 3 or 4 minutes?

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, like all Members of the Senate, I have been concerned about the critical and dangerous situation which has been caused first by the total invasion of South Vietnam by North Vietnam at a time when U.S. forces had been reduced to 60,000, placing our forces in danger, and later by the mining of North Vietnam harbors, bringing the United States into confrontation with the Soviet Union. I regret both actions.

I believe that the days immediately ahead, and perhaps the weeks ahead, are critical and dangerous. Most important, in my mind, is the assurance that the President's visit to Moscow will take place and that no incident occurs, either on the part of the United States or the Soviet Union, to prevent the meeting. It is of the greatest single importance, therefore, for this meeting may provide the United States and the Soviet Union to resolve the dangerous situation that exists. Only the President of the United States can negotiate. We cannot.

I do not know that I shall vote for any amendment on Vietnam at this time, for I see no effective amendment legislatively which provides preconditions for withdrawal, whether a cease-fire or a prisoner-of-war release.

I do not want to limit or reduce at this time the President's proposal for ending the war, and the possibility of negotiations for, as I have said, only he can negotiate, whether at Moscow or Paris.

A cease-fire proposal is not new, really. It is provided in the Mansfield amendment, which the Senate passed and which the House adopted with modifications. It was proposed by the North Vietnamese. It was used to bring the Korean war to an end, and it was used in the Geneva Accords of 1954. If it could be effective, it would be humane, for it would stop the killing, whether of military forces or civilians, in North and South Vietnam. At this time, it is advantageous both to the United States and North Vietnam, to the Soviet Union, and to the Peoples Republic of China, and less so to South Vietnam.

Because I believe that the only way the critical situation in which we are engaged today—the United States and the Soviet Union—may be lessened is by the President's visit to Moscow and the talks he may have there. I do not want to do anything, as I have said, to limit his ability to negotiate. For that reason, I shall vote for the Byrd amendment.

Mr. BAKER. Mr. President, I wish to associate myself entirely and without reservation with the remarks of the distinguished Senator from Kentucky (Mr. COOPER). He has, in his unique and characteristic way, gone straight to the heart of the issue with clarity and simplicity. His remarks are the most recent in a long series of reminders of how much I—and I believe the Senate and the country—will feel the lack of his presence in this Chamber next year and in years to come.

What Senator COOPER has said is eminently correct and sound. All of us regret the fact of the North Vietnamese invasion of the South, all of us are apprehensive about the safety of our remaining troops, all of us regret the fact that the North Vietnamese aggression dictated a strong response by the President. Each of us in this Chamber is aware of the risks involved in the present situation. Each of us earnestly hopes that all involved will conduct themselves with restraint, so that the vitally important summit in Moscow can proceed, in the expectation of agreements at that meeting that will have long-term implications for the peace of the entire world. As Senator COOPER has also pointed out, there is a strong hope that some accommodation on the Vietnam issue itself might be reached in the Soviet Union next week.

Perhaps the most important point that the Senator from Kentucky makes so simply and yet so forcefully is this: That only the President—and not the Senate—can negotiate with Soviet leaders or with any one else, for that matter. The President has promised us an era of negotiation, and negotiation will certainly be seen as a hallmark of his incumbency. We now have an offer of unparalleled realism and generosity: withdrawal of all American troops within 4 months of an agreement for the release of all POW's and an internationally supervised cease-fire, as well as the cessation of "all acts of force" in Indochina. As Senator COOPER notes, the proposals for a cease-fire is not new, but the entire package is new, and I earnestly hope that the other side, encouraged by the Soviet Union and the People's Republic of China, will accept these terms.

In any event, while the Senate can advise, it is the President that negotiates. The amendment offered by the Senator from West Virginia (Mr. ROBERT C. BYRD) the distinguished assistant majority leader, brings the Church-Case proposal into accord with the President's plan for ending the war and is therefore, in my judgment, an eminently sound proposal.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, if I have time on my side, I yield myself 5 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. I yield time.

The PRESIDING OFFICER. To whom? To himself?

Mr. CASE. Yes.

Mr. President, surely it will not come as a surprise that I intend to vote against the Byrd amendment. If my conviction that it should be opposed were not so secure, my resolve might have been shaken by the fact that the Senator from Kentucky intends to vote for it. But my resolve is secure and it has not been changed in spite of the eloquence of the Senator and the great respect for his judgment which I hold and which everyone in the Senate holds for him.

I was concerned several weeks ago as to whether this was the right time to impose any restrictions upon the conduct of the war in Indochina, and if everything were equal I would still feel it desirable not to do so. But everything is not equal. Most of the leadership of the Senate agreed 2 weeks ago that we would postpone a vote on this matter. Then last week we and the world were shocked by the President's move in announcing the mining of Haiphong Harbor and other ports of North Vietnam and his intention to step up the bombing. We concluded that if the President were so sure that nothing could disturb his negotiations with Moscow, as evidenced by his stepping up the military action in North Vietnam, it would not be an irresponsible action on our part to indicate how we felt about the termination of the war. And so we have come to this vote.

Actually, of course, the vote today is not upon the so-called Case-Church amendment. It is on an amendment by the assistant majority leader to bring the language of the Case-Church amendment in line with the President's proposal for an internationally supervised cease-fire as a condition for American withdrawal from Indochina.

I am not opposed in any sense to a cease-fire. It would be fine if we could get a cease-fire. The adoption of the Case-Church amendment would not preclude the President in any way from seeking a cease-fire. But the adoption of the Byrd amendment would mean that American forces would remain in Indochina until there were a cease-fire. The Case-Church amendment makes American withdrawal contingent only on an agreement for the release of the prisoners. The Byrd amendment ties not only American withdrawal to a cease-fire, but, by extension, would tie the release of the prisoners to it.

A cease-fire provision is a substantive condition which would delay the effectiveness of the withdrawal. North Vietnam has no short-term interest in negotiating a cease-fire because it has been doing very well on the battlefield.

However, to me the overriding factor is that South Vietnam will not agree to a cease-fire. Why? Because it does not want us to withdraw. Because it wants our continued presence and protection. Because it does not want to be left to its own defense. So South Vietnam will not voluntarily agree to a cease-fire, which would have the effect of ending American participation in the war.

Thus, a cease-fire is highly unlikely to occur. In fact, in my judgment, a cease-fire simply will not happen. So in adopting the language that the Senator from West Virginia has proposed, much as we

all yearn for a cease-fire, we would be saying, in effect, that we are taking no action at all, and our action would be a nullity.

I have not concluded what I should do if the Byrd amendment should succeed. I am certainly not opposed to having the Senate go on record that it favors a cease-fire. We do favor it, with all our hearts. That is not the point. The question is: Should we put an impossible condition upon our declaration that 4 months after there is an agreement for the release of our prisoners, our American military participation in Indochina shall cease?

I do not think we should put on such a condition. I do not think that our attempt to end the war will hurt, in any sense, the President's negotiations in Moscow. He did not think that a much graver action, to acceleration of the war, was going to hurt them. I do not believe that this action on our part would hurt them.

The question has been raised, and it should be considered, whether Moscow will have less regard for the President and will think less of his authority to speak for the American people, if we take this action. I do not think this will happen. Weaker in what way, Mr. President? Weaker because he cannot, on his own ipse dixit, say to Moscow, "If you do this, I will do that"?

Moscow is not unwise as to the ways of American constitutional processes. It knows that no President can say that.

If, specifically, the President feels that for Congress to adopt the Church-Case amendment, would weaken his ability to make Moscow and Hanoi think the United States will stay indefinitely in the war in Southeast Asia, then he and we would be joining in a fraud, because America will not stay indefinitely in defense of an impossible situation. It will not. It will not. We will not continue indefinitely to kill Americans, to kill North Vietnamese and South Vietnamese, and to devastate that peninsula, when there is no prospect that at the end of the time, when our patience has run out and revulsion has set in irrevocably against such destruction, South Vietnam will be any more able to defend itself than it is right now.

It is this dilemma, which earlier Presidents have gotten themselves into, from which we seek to rescue the Government of the United States, the American people, and all of Southeast Asia. That is our thought. And Moscow knows just as well as we know that up to now there has been no demonstration that any extended period of time would put Saigon in a position to defend itself.

You cannot negotiate a situation of that sort. There is no way to pull rabbits out of the hat. To recognize this reality is not undercutting the President. To recognize this reality, in a very real sense, would be to help him, and I will tell you why, Mr. President.

If there is any possibility of South Vietnam shaping up, of the present government or any successor government drawing that country together in its own defense morally, militarily, and in the spirit of true nationhood and loyalty to a government, that will come about only when the present government or a successor government is faced with a need to do so. The South Vietnamese will never recognize that need until we announce to them that at the end of a certain period of time, they will have to meet that responsibility and those conditions.

Once Hanoi sees that there is a chance for South Vietnam to shape up and be stronger at the end of our stay there than it is now, we might find them coming quickly to negotiation. Until it has such a feeling, Hanoi will never consent to anything except a surrender by South Vietnam and the present regime.

This is the reality of the situation, Mr. President. I have no compunction whatever in standing strongly against the Byrd amendment and in having a vote on this issue at the present time, because I think that to recognize reality in these important matters is the only way to come to sensible solutions. They can never be handled with any kind of mystery as to the verities of the situation.

No one likes to say that he thinks on a particular matter the President and his advisers are wrong. No one has been stronger in supporting the President's policies in Vietnam in regard to the withdrawal of troops than I. No one has praised him more highly. No one has given him more credit—and he deserves such credit—for turning the war around. No one has given greater credit than the Senator from New Jersey to the President's actions in regard to China, the Middle East, and many other areas of the world. But to disagree with him on this, in my opinion, if we really feel that this war ought to be ended by an announced termination date, is not disloyal to the President. We are not disloyal as members of his party; we are not disloyal as Senators of the United States, or as citizens, to make the announcement and to hold to it.

So it seems to me that whatever the result of this vote, I shall be happy because I think we will have accomplished something. We will have brought a message home that has been evaded by all the people who, knowing otherwise in their hearts, have been persuaded that the course we have taken in Vietnam could possibly somehow or other win out. It cannot, Mr. President. As General Patton said, you cannot push on a noodle. Until some strength is developed in South Vietnam, our course is hopeless, and that strength will never be developed as long as we tell them, "Do not get strong, because we will stay until you are." Of course there is no incentive in South Vietnam. Of course the leadership likes to get fat and rich at the expense of the American taxpayer, and to be protected by American blood and American war machines.

Mr. President, we have got to break out of this dilemma. President Johnson was unable to, and that was the reason that the country did not support him. President Nixon started in the right direction, and so far he has gone a long way. He has put the South Vietnamese on notice that, on the ground, they would have to take care of themselves. But he has not taken the final step, the setting of a final deadline. This is essential, in my opinion, to the resolution of the dilemma. We hope to help him. We offer him not only guidance, Mr. President, in the formation of policy and in our indication of what course he ought to take, but also support—and we mean this with all our hearts—the support of Congress in the awful responsibility that the President must bear in this situation. We hope it will be accepted, if not today, eventually.

Mr. President, I ask unanimous consent to have several editorial comments favorable to the Case-Church amendment printed at this point in the RECORD.

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

[From the New York Times, May 13, 1972]

TARGET FOR DISSENT

While students and other antiwar protesters are taking to the streets to express their opposition to President Nixon's Indochina policy, Presidential aides boast of heavy support for the mining of Haiphong in telegrams and other messages to the White House. While it is questionable whether the claimed 5-to-1 favorable response truly represents the national mood, the men responsible for national policy in the White House and Congress will never know differently so long as dissent exhausts itself in random street demonstrations that too often result in self-defeating violence.

If Mr. Nixon takes the direct messages sent to the White House as the only index of national sentiment worth noting, those who are deeply troubled by his perilous challenge to the Soviet Union and other suppliers of Hanoi and by the massive American bombing of heavily populated areas of North Vietnam would do well to communicate their concern directly to the White House without delay.

Even more important would be support for moves in Congress to check this abuse of Presidential authority. Members of Congress are now the country's best hope for changing the present policy of brinkmanship. Now is the time for messages to have their maximum effectiveness in support of proposals by Senators Church and Case, and others, to withdraw American forces four months after North Vietnam agrees to return American prisoners of war—and without crippling amendments.

[From the New York Times, May 14, 1972]

CHALLENGE TO THE SENATE

(By Tom Wicker)

Passage of an effective end-the-war amendment in the Senate looked possible earlier this week; and after President Nixon's announcement that he had mined the North Vietnamese harbors, even the Democrats on the House Foreign Affairs Committee—not a citadel of doves—voted for a withdrawal resolution.

Now it appears that the four-point proposal that accompanied Mr. Nixon's mining announcement has diminished the chance for Senate passage of the Case-Church end-the-war amendment. If that proves to be true, a considerable opportunity will have been missed, since the amendment is the strongest of the numerous attempts Senate doves have made to limit the Administration's ability to carry on the war unchecked.

Here is the rather confusing situation:

Originally, the Case-Church amendment to a State Department budget bill provided that no more funds could be spent on the war after the end of this year, provided only that agreement for the release of American prisoners of war had been reached by then. If passed, this would have been the first time in history that the Senate had voted to use

the Congressional power of the purse to force the Executive to end a war.

Then Mr. Nixon, appearing on television, offered to withdraw all American forces from South Vietnam and end all acts of force in Indochina within four months after an agreement for the release of American prisoners and for an internationally supervised ceasefire. Some analysts regard this as a significant softening of Mr. Nixon's terms since he had made no mention of the political future of South Vietnam.

Backers of the Case-Church amendment, sensing themselves near victory, altered their proposal to make it seem to support, rather than undermine, the Nixon proposal; that is, the new version would cut off funds for the war not at the end of the year but four months after an agreement for the release of prisoners.

But two can play at that game, and the Administration, with the help of its friendly neighborhood Democrat, Robert C. Byrd of West Virginia, moved to amend the Case-Church proposal still further by providing that a cease-fire also would have to be agreed upon four months before the fund cutoff could become effective.

This could be a highly effective move because it, too, appears to put the end-the-war amendment right in line with Mr. Nixon's four points. That being the case, it is likely to be supported by the "moderate doves"—the dozen or so Senators who are not fully committed to an end-the-war position but who are by no means hawks or down-the-line Nixon backers.

If these men do support the Byrd amendment, its passage will all but vitiate the Case-Church amendment. There is no good reason why the North Vietnamese should agree to a cease-fire when they stand at the high point of their military effort; in fact, Le Duc Tho, their chief negotiator, already has rejected Mr. Nixon's four points on grounds that they do not deal with the political future of South Vietnam. Yet the net effect of the Byrd amendment would be that without a cease-fire, there could be no fund cutoff.

All this may seem academic, since there is not much prospect that the hawkish House of Representatives would accept the Case-Church amendment. In fact, however, the issue has a symbolic value in that it dramatizes the question whether a President has or should have unlimited power as Commander in Chief or whether Congress, through its appropriations power, is entitled to some voice in national war policies.

Republican leaders in the Senate, for instance, are fighting the Case-Church amendment on the grounds it undercuts the President; which raises the question whether Presidents can or should fairly claim that whatever they may do in military situations Congress should support as a matter of patriotism. More bluntly, Secretary Connally has accused Senate Democrats who support the Case-Church amendment of putting party above country; of the Democratic Presidential candidates who support the amendment, Mr. Connally said that he had doubts "about the commitment to this country that they have."

Is it true, then, that if a citizen or a candidate or a member of Congress disagrees with Presidential decisions on war and peace—in this instance, Richard Nixon's—he lacks patriotism and commitment to this country? That is the self-serving doctrine the imperial Presidency and its political courtiers are trying to impose; and that will be the real question before the Senate on Tuesday, when it votes on the Byrd amendment.

[From the New York Times, May 16, 1972]

THE WAR POWER

The Congressional showdown on the President's war policy, which may come today in the Senate, involves far more than the immediate issue of Mr. Nixon's continuation and escalation of American involvement in the Indochina conflict. Underlying the proposals to invoke Congress' power of the purse to end United States participation in the war promptly, conditional only on the release of American war prisoners, is a fundamental constitutional prerogative—the essential responsibility of Congress to decide whether to commit the armed forces of this country to a foreign war.

For the moment, the possibility of obtaining the prisoners' release in return for American withdrawal does not appear bright. In his Paris news conference last week, North Vietnamese Politburo member Le Duc Tho insisted that there must first be a political settlement. But Hanoi needs testing on this point. Its willingness to separate the military and political issues should be probed by a clear-cut American offer. Moreover, a Congressional expression at this point would represent an essential reaffirmation of its constitutional responsibility.

The most disturbing aspect of the Nixon decision to mine Haiphong and other North Vietnamese ports and to resume the widespread aerial bombing of North Vietnam was that the President not only failed to seek Congressional consent for these grave actions but did not even consult with Congressional leaders before deciding on them.

If the Church-Case amendment, currently before the Senate, is subjected to crippling amendments as proposed by Senator Byrd and other supporters of the President, it will mean that Mr. Nixon will have a free hand to continue the conflict in Indochina indefinitely, regardless of the desires of the American people and Congress. It will encourage the President to take any additional risks he alone may deem appropriate to try to salvage his own misconceived policies.

Even more serious, Congressional failure to challenge the President's power grab, would let stand a precedent that could undermine for years to come the constitutionally mandated Congressional checks on executive war-making. To argue that Congress has no option but to support the President in an emergency, even if that emergency is enormously enlarged by his own arbitrariness, is certainly not what the Founding Fathers had in mind when they gave the Congress exclusive authority to declare war.

The PRESIDING OFFICER. Who yields time?

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

Mr. CHURCH. I am happy to yield time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today, at a moment when the awful shadow of tragedy has once again passed across the American political landscape, no Member of the Senate can avoid the inescapable linkage that exists between the violence in Vietnam and the violence at home. If we truly want to cleanse our national spirit of the stain of killing and brutality, then I believe we must redouble our efforts to end the war, and to bring American participation in the killing and violence in Indochina to its earliest possible end.

The Senate vote today offers each of us a chance to go on record in clear and unequivocal opposition to the war. That is why I strongly oppose the Byrd amendment. I believe that, like so many other blind alleys and detours we have followed for so long in our efforts to end the war, the amendment would be a backward step on the road to peace. It can only impede the chance we have for real progress toward a genuine and lasting settlement of the war.

The heart of the issue is really a very simple point. We do not need an eight-point plan for peace, or a nine-point plan to end the war. All we need is a clear one-point plan whose terms can be easily understood by anyone who favors peace—complete withdrawal of all American forces, land, sea, and air, from Indochina, conditioned only upon an agreement for the release of the American prisoners of war and an accounting for those who are missing in action.

I yield to no one in my desire to reach an immediate cease-fire in Indochina. But to make that cease-fire a fixed condition of American withdrawal would defy both the logic of the battlefield and the logic of the peace table. Simply put, a requirement of a cease-fire would be nothing more than a "Trojan horse" in the search for peace, a completely unnecessary condition that might well condemn us to many more months or even years of additional violence in Vietnam.

The arguments against a cease-fire are clear. First, by no stretch of the imagination can it be contended that a cease-fire is an indispensable condition for either of our paramount goals in Indochina. It is not indispensable for the complete withdrawal of American forces from Indochina. And it is not indispensable for the prompt release of the American prisoners of war. Surely, if we have already succeeded in bring 500,000 troops home, we can also bring the remaining 60,000 home. And, once American involvement ends in Indochina, our prisoners will come home as well, whether or not a cease-fire has also been negotiated and achieved. In sum, a mandatory and arbitrary cease-fire condition can only impede our deepest goals in Indochina. Once again, our search for peace may be in vain.

Second, if South Vietnam refuses to accept the cease-fire, then once again President Thieu will have succeeded in holding America hostage in his desperate effort to preserve his own political power—and to those who believe it unlikely that President Thieu could scuttle a new American initiative for a cease-fire, we need only point to President Thieu's success in staging the charade of his one-man reelection campaign last fall, in spite of the obvious and persistent pressure of the United States for a real election.

Third, and finally, if Congress imposes a cease-fire as a condition of American withdrawal from Indochina, then the President may well be less likely to ease the terms of his peace offer in the future, and the available paths to peace will be narrowed. All the Senate will have accomplished is to give the President carte blanche to carry on the war.

As these arguments make clear, there is a compelling and obvious answer to those who argue that we should not tie the hands of the President as he is about to depart for the Moscow summit. How can the Senate possibly tie the President's hands by omitting a cease-fire condition from the Case-Church amendment? If anything, the amendment leaves the President's hands free and unfettered for the future, untied by any congressional mandated condition not directly involving the withdrawal of

American forces or the release of American prisoners.

We know how frequently the President's offers for peace have changed in recent months and weeks. His adoption on May 8 of a 4-month period as his own new deadline for withdrawal—thereby acceding to the time limit Senator MANSFIELD had already proposed—is but the latest and most hopeful shift in the President's proposals at the Paris peace table. Why then, should Congress now act in a way that might well freeze this latest offer into a petrified peace condition, a condition that could easily and quickly become obsolete as new events occur.

Too much killing has already transpired in Indochina, too many lives have been lost, too much violence is taking place today for us to yield to the sort of arguments of convenience we hear today from the administration in favor of imposing a cease-fire as a mandatory and inflexible condition of an Indochina settlement. We have the chance this afternoon to record a historic vote for peace in Vietnam, and to put the Senate squarely on record in favor of the prompt return of all American prisoners. It is a vote on a simple issue that every American can understand. It is a vote to end the violence now.

Mr. CHURCH. Mr. President, how much time remains to those who oppose the Byrd amendment?

The PRESIDING OFFICER. Nine minutes.

Mr. CHURCH. Between now and the hour of 2 o'clock, only 9 minutes remain?

The PRESIDING OFFICER. The Senator is correct. There remains only the time between now and 1:30 p.m., at which time the Senate will receive the astronauts. The remaining time, aside from the 9 minutes, is under the control of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. ROBERT C. BYRD. I yield 10 minutes of my time to the able Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator very much. I would be very happy to withhold my remarks if the Senator or anyone speaking on his side would care to take the floor at this time.

If not, I yield myself such time as may remain, and will reserve any time that I do not use.

Mr. President, there are two aspects to the case before us. One is not directly connected to the pending amendment, but has to do with the escalation of the war that came with the President's decision to mine the harbors of North Vietnam. I have expressed, on other occasions, my belief that this action will prove no more decisive than the other Presidential initiatives through the years in forcing the North Vietnamese to give up the struggle.

I do not want to take the time to repeat those arguments now. I summarized them in an article I wrote for a number of American newspapers which was published this Sunday. The text of it appears in the Los Angeles Times under the caption "Bombs and Mines Won't Break the North's Will."

I conclude the article with these words:

Until we Americans, the foreigners, leave this war will persist. The French finally learned that lesson and left. One day we shall have to do likewise. The only question is how much longer we shall insist on staying, and how many more American lives we shall sacrifice before we leave.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

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

BOMBS AND MINES WON'T BREAK THE NORTH'S WILL

(By Senator FRANK CHURCH)

When it was decided in 1965 that an American Army should be sent to fight in Vietnam, the United States took up arms in an open-ended war being waged by an alien people in an Asian land. Our President spoke of it as a "limited war," by which they meant that we had limited ourselves to the defense of the Saigon regime. From the start, the conquest of North Vietnam was ruled out, prudence dictating that a counter-invasion of the North could easily set off a war with China. The Chinese, after all, had entered the Korean conflict after we converted the defense of the South into a counter-attack upon the North and our troops had approached the borders of China.

Hence, from the moment of our intervention in Vietnam, we were constrained to fight on the enemy's terms of attack and attrition. No matter how doggedly we persevered, we could never outlast the Vietnamese in their own homeland. Having denied ourselves the victory that only the conquest of the North could bestow, we were caught fast behind the breastworks of a war we could not stop or win. As Vietnam expert Richard Holbrooke recently observed:

"Vietnamize it, pacify it, democratize it, pull troops out, pour aid in, visit China, send Kissinger to Paris, change our rhetoric, drive it off the front pages for awhile—it still won't go away."

It was inevitable, I suppose, that Presidents who conceded the need to confine our ground troops to the defense of the South, would be persuaded by an unquenchable war to strike at the North through the air. President Nixon has again taken to the air in the desperate hope that he can mine Haiphong harbor and bomb the enemy into submission. Reason and past experience better sustain the desperation than the hope.

Indeed, the dynamics of the Nixon Vietnamization policy, in the absence of a political settlement, almost guaranteed that North Vietnam would eventually launch the type of full-scale offensive now under way. The President has maneuvered the United States into a highly precarious position. His mistake is not that he has removed more than 450,000 of our troops, but that he has failed to remove them all. As a result, the safety of nearly 70,000 Americans who remain in South Vietnam now depends upon Saigon's army, upon its willingness to stand and fight.

President Nixon has played the role of Hamlet in the Vietnamese tragedy. "To leave or not to leave," that is the question on which he could never make up his mind. So we find ourselves today in the worst of all possible postures, half in and half out, with no recourse but to hurl our thunderbolts from the air upon an advancing enemy determined to seize the ground.

Thus, the reason for the President's desperation is evident. But what is the basis for his hope of success? In the short run, we trust that the tactical support our air power confers on the defenders in the field will prove sufficient to blunt this latest enemy attack; in the long run, there is little reason to believe that the President's decision to mine the enemy harbors and resume the strategic bombing of the North will prove successful.

It is truly said that those who cannot learn from the mistakes of the past are destined to repeat them. The strategic bombing will fail again, as it failed before. Darken their skies with clouds of bombers, fill their harbors with submerged explosives, rain down destruction upon them, and they may scurry for cover but they won't yield. The bombing will only stiffen their spines; it will never bend their knees.

Who can doubt it? Before our latest air strikes against the North, we had already dropped more than 6 million tons of bombs on the enemy, three times the total tonnage dropped by American aircraft throughout World War II! Over half of this incredible bombardment had been ordered by President Nixon. Still, the war has never been suppressed, the supply lines never severed, the enemy never subdued.

Until we Americans, the foreigners, leave, this war will persist. The French finally learned that lesson and left. One day we shall have to do likewise. The only question is how much longer we shall insist on staying, and how many more American lives we shall sacrifice before we leave.

Mr. CHURCH. Mr. President, let me now turn to the other aspect of the case. The question before us, reduced to its elemental term, is whether the Senate is willing to play its constitutional role in formulating a policy that will permit the United States to disengage from Indochina.

We are told that the Senate must not play that role in any independent fashion. Adoption of the Byrd amendment would add to the release of our prisoners of war the condition of a cease-fire, which the President called for in his address last week. It would, thus, bring the Senate's statutory proposition more closely into conformity with the President's own pledge to withdraw our forces 4 months after a cease-fire is entered into and our prisoners of war are released.

If the Senate adopted the Byrd amendment, however, the distinguished minority leader has announced his intention to offer still another amendment, striking the language relating to an agreement for the release of our prisoners of war, and substituting instead the prior release of those prisoners of war. He will urge us to adopt the exact language the President used.

Suppose this amendment is approved. Then, the statutory proposition would exactly conform in every particular to the President's proposal.

Nevertheless, we are told that the administration would still oppose the adoption of the Church-Case amendment, though it conformed exactly with the President's own proposition, because it would call for a cut of funds after the 4-month period had expired.

In other words, Mr. President, this administration wants no action in the Congress, whatever. In taking that position, President Nixon displays the same attitude as the last administration.

Our Presidents insist not only upon the authority to make war at their pleasure, without so much as consultation with the

Congress, but they also insist that Congress play no part whatever in bringing an end to this, the longest war in our history.

Mr. President, the latest issue of Time magazine comments upon this unfortunate attitude of recent American Presidents. Its words are so compelling that I should like to read them into the RECORD.

The concluding paragraphs of the Time essay, published in the May 12, 1972, issue, read as follows:

So far, Nixon has resisted all attempts to rebuild congressional power over foreign policy. Last November, Congress passed a military authorization bill with a watered-down version of the Mansfield amendment, which simply called for setting a date for the withdrawal of American forces from Viet Nam as soon as the prisoners of war are released. The President signed the bill into law while describing the amendment as being "without binding force or effect."

Yet Congress, properly informed, could be as much of a help as a hindrance to the President, particularly in this time of travail over Viet Nam. By being brought into policy-making, Congress could share the responsibility as well as the blame for what happens there. Rather than rebuffing them, the President might welcome congressional efforts to formulate a peace offer to North Viet Nam. The Church-Case amendment omits a cease-fire as a condition for the withdrawal of American forces, but it does embody Nixon's offer of a total withdrawal in four months after the P.O.W.s are freed. Though Nixon dislikes congressional interference with his prerogatives, some such congressional resolution would increase his bargaining strength with North Viet Nam. It would demonstrate that Congress, the source of so much antiwar sentiment, is behind him.

No less than previous Presidents, Nixon has underestimated what Congress can do for him. It can, under certain circumstances, save him from himself. The Senate, in particular, remains the repository of a worldly-wise skepticism—a quality not always found in the Executive bureaucracy, which defends to the death policies that it has initiated. The Administration has had to keep escalating in Viet Nam to protect its original position. If the President had been required to report regularly to Congress, he might have found alternative strategies. To some degree, the President has become the captive of the huge Establishment that has grown up around him. "A strong President," says Senator William Fulbright, chairman of the Foreign Relations Committee, "has been regarded as not one who strengthens and upholds our constitutional system as a whole but as one who accumulates and retains as much power as possible in the presidential office itself." It is time not to weaken the President, but to make the U.S. stronger by sharing the abundant power of the presidency with Congress.

Mr. President, that is the essence of my plea. Upon the record, it is plain that, no matter how closely we conform the congressional proposition to that which the President has made, he opposes enactment of the amendment. He wants the Congress to play no part whatever. That is the challenge he lays down.

I see it as our duty under the Constitution to play a responsible role in enhancing the prospects for our total disengagement from Indochina, for the release of our prisoners of war, and for bringing an end to our part in this senseless, endless struggle.

I hope the Senate will rise to that responsibility this afternoon.

Time is limited. The vote on the pending Byrd amendment is really the decisive vote, for its adoption would so emasculate the Case-Church amendment as to render it meaningless.

I ask unanimous consent that a number of pertinent articles published in the newspapers of the past few days, relating to the subject at hand, be printed at this point in the RECORD.

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

[From the New York Times, May 13, 1972]

TARGET FOR DISSENT

While students and other antiwar protesters are taking to the streets to express their opposition to President Nixon's Indochina policy, Presidential aides boast of heavy support for the mining of Haiphong in telegrams and other messages to the White House. While it is questionable whether the claimed 5-to-1 favorable response truly represents the national mood, the men responsible for national policy in the White House and Congress will never know differently so long as dissent exhausts itself in random street demonstrations that too often result in self-defeating violence.

If Mr. Nixon takes the direct messages sent to the White House as the only index of national sentiment worth noting, those who are deeply troubled by his perilous challenge to the Soviet Union and other suppliers of Hanoi and by the massive American bombing of heavily populated areas of North Vietnam would do well to communicate their concern directly to the White House without delay.

Even more important would be support for moves in Congress to check this abuse of Presidential authority. Members of Congress are now the country's best hope for changing the present policy of brinkmanship. Now is the time for messages to have their maximum effectiveness in support of proposals by Senators Church and Case, and others, to withdraw American forces four months after North Vietnam agrees to return American prisoners of war—and without crippling amendments.

[From the Washington Post, May 13, 1972]

NIXON MISLEADING ON VIETNAM REPORTS

(By Jack Anderson)

President Nixon is again releasing selective information from his secret advices in an attempt to manage the Vietnam news.

He has taken excerpts out of context which give a misleading impression of Vietnam developments.

The White House has spread the word, for example, that the mining of Haiphong Harbor will affect the fighting in Vietnam within two or three weeks. Sources with access to the secret estimates flatly dispute this. Although the predictions vary, most estimates warn that Gen. Vo Nguyen Giap, the fabulous North Vietnamese commander has enough men and material at the fighting fronts to last three or four months.

The secret reports express grudging admiration for Giap's genius at moving supplies under hazardous, almost impossible conditions. The American high command still can't figure out how he moved Soviet tanks, heavy artillery and anti-aircraft missiles into South Vietnam without American planes spotting and destroying them.

In any case, the intelligence reports claim only about one-third of the Soviet equipment reaches North Vietnam by ship. Our most massive bombing has also failed to halt the flow of enemy armaments over the land supply routes, the secret concensus, therefore, is that the President's drastic actions in the north will have only a minimal effect on the fighting in the south.

Earlier the President quoted Gen. Creighton Abrams, the American commander in Saigon, as saying the South Vietnamese army was fighting courageously and well. Sources with access to Abrams' secret reports tell us this message was taken out of context. Actually, Abrams had raised grave questions about the South Vietnamese military leadership, battle tactics and dependence on air support.

The Abrams' message which the President quoted, intended to convey in its full context only that the South Vietnamese were fighting better than the general had expected.

The President's foreign policy czar, Henry Kissinger, has also told the press that Soviet leader Leonid Brezhnev led him to believe in Moscow that a Vietnamese settlement would come from renewed negotiations.

Sources with access to the full text of the Kissinger-Brezhnev talks agree that the Soviet leader encouraged the United States to renew negotiations. But Brezhnev was emphatic in declaring that the Soviet Union would not intervene to arrange a settlement and would not decrease its arms shipments to North Vietnam. Brezhnev suggestion need not jeopardize Russian American relations.

Clearly the President, in taking the American people into his confidence about the Vietnamese war, is playing the the old game of pick-and-choose.

[From the New York Times, May 13, 1972]

DISAFFECTION AND ALIENATION ON CAMPUS!

"TO WHOM SHOULD I WRITE A LETTER"

(By John William Ward)

AMHERST, MASS.—I know you attend to what I say because I am president of the college. I thank you for that, but I want to speak to you in two voices. First, as president of Amherst College; second, in my own voice. I am tense and uneasy with the act of dividing myself in two: My hope, as president, has been not to lose myself in the role, the office, to retain a sense of my own self while still president. My personal unease is made worse because as I said at the start, I know you listen to me because I am the president. It is not Bill Ward you want to hear: you want to hear the president of Amherst College. So, let me begin first with the voice you want to hear, that of the president, and then speak as Bill Ward.

As president, I have a great affection for this place, this college. We know ourselves slenderly, but to the degree I know myself, that was one of the large reasons I was willing to say, yes, I would be president of it.

Let us begin where we are. Let us begin where we stand together. Let us make this place, Amherst College, as good and decent and humane a place as we can. I do not ask you to be more than human; I ask you simply to be human with one another. If we stand appalled at the cruelty and the indecency we see around us in the world, let us not give them a place here among us; let us not in our frustration turn ourselves into a likeness of what we despise and detest. I do not think we are going to save society this way, but we may find Amherst a better place to be together.

Night before last while I was in the Red Room, a student called my home and left word with my wife that he and other students hoped I would write a letter. Write a letter! To whom? One feels like a child throwing paper planes against a blank wall. I might write such a letter and you might cheer and, if the world goes on, you might think me a pleasant and sympathetic fellow. But the mines are laid [outside North Vietnam's harbors] and for the next few days we wait. God knows, I hope Nixon is right. God knows, I hope it works. Not for his sake, not even for the sake of the United States. For the sake of all those I have never seen. For mankind's sake.

We have lived with this bloody war for

eighteen years. I was only ten years out of another war and most of you in this room were babies. Who has the strength to raise all the arguments again? I said on this campus three years ago that I think the "Vietnam war is a cruel and foolish mistake, that we got into it on a false ideological premise, that we are so hung up in our own cant that we cannot admit that we are wrong, that we are wasting lives because of a foolish pride." I still think that. To whom shall I say it in a letter? Voices louder than mine have been saying it for a long time. What are we protesting?

Let me say what I protest and what I "Bill Ward," self and citizen, propose to do. As I said when I took this office, I do not intend to disenfranchise myself or lose my rights as citizen because I am president.

Mr. Nixon promised us a solution through Vietnamization of the war. I find the policy repellent but, that aside, it has failed, so now we have the mining of harbors, the bombing of railheads, the interdiction of all supplies to North Vietnam. Mr. Nixon has ruled out withdrawal; the only way to negotiation again is through the application of greater and greater force; the next move lies in someone else's hands. What if the blockade fails? Mr. Kissinger in his press briefing is reported to have said that nuclear confrontation is an acceptable risk, preferable to the present land war in South Vietnam.

What I protest is not what has been done. What is done is done. No word of mine, no word of yours will change it. What I protest is what may come next. What I protest is there is no way to protest. I speak of frustration and deep despair. John Dos Passos once wrote, "We only have words against power superpower," and his "U.S.A." ended in icy defeat. I do not think words will now change the minds of men in power who make these decisions. I do not. Since I do not, I do not care to write letters to the world.

Instead, I will, for myself, join in the act of passive civil disobedience at Westover Air Force Base.

John William Ward, president of Amherst, addressed these remarks to the students. The next day he was arrested and fined in an anti-war demonstration for "disturbing the peace."

Mr. CHURCH. Mr. President, I reserve the balance of our time.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. CHILES. Mr. President, I have listened to the debate with regard to the Byrd amendment to the Church-Case proposal. And I am persuaded to vote against the Byrd amendment primarily because I think it greatly handicaps our efforts to obtain the release of our prisoners of war. I think that adding the language "internationally supervised cease-fire," which no one really knows the meaning of and which is incapable of being defined or ascertained, would constitute a great handicap.

There is no way by which we can know when those conditions will be satisfied. That will greatly handicap our efforts to obtain a speedy release of the prisoners.

I am also persuaded from hearing from some of the loved ones of our prisoners of war and our men missing in action. It is their strong feeling that adding this language will put off the day that their men will be released.

Also, I cannot determine really what we would be doing by agreeing to this language because there is no time certain for the cease-fire. The way the proposition is couched, it would be capable of allowing the North Vietnamese to grant or consent to an international cease-fire and the release of our prisoners, and 4 months after that agreement and the release of our prisoners of war, we would leave Indochina. At that time there would be nothing that would prevent the North Vietnamese from then doing anything that they now could do or could have done prior to that time if they did not have a cease-fire.

All the way through in our debate when we talked about the Mansfield amendment, we discussed the safety of our troops. It has always been contained in proposals that the Senate was insisting that there be safety for our troops during their withdrawal. A cease-fire has not been a matter that the Senate has been concerned with. I think that we would be making a mistake if we were to agree to this amendment to the Church-Case amendment and would greatly handicap our ability to obtain the release of the prisoners.

For those reasons, I intend to vote against the Byrd amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The time of the Senator from Idaho has completely expired.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator need?

Mr. CHURCH. The Senator from California needs 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I thank the Senator from West Virginia, and I yield 2 minutes to the Senator from California.

Mr. TUNNEY. Mr. President, I thank the Senator from Idaho for yielding me time.

Mr. President, I plan to vote against the Byrd amendment. I feel it is essential that the United States get out of Vietnam as quickly as possible consistent with what I consider to be the national value, the important national value of having our prisoners of war returned. The Case-Church amendment, without the Byrd amendment, makes it very clear that our prisoners of war will be returned to the United States before the United States would leave South Vietnam. I cannot think of any reason for us to continue with the madness of this war in Vietnam which for the past 8 years has undermined the spirit of our country.

I feel very strongly that it represents a victory for the United States to get out of Vietnam. That is the true victory. As long as we pursue an illusive mirage of military victory, whether we call it an American victory, or a victory by the Thieu government—a military victory in Vietnam—we are going to find ourselves sinking deeper and deeper into the quagmire.

I had great hope before the President appeared on television the other night that he was going to make an announcement that we would agree in return for our prisoners of war and troops missing in action to a total withdrawal from Vietnam. Instead the President felt it was necessary to escalate the war. I feel quite frankly that that escalation is going to have serious consequences in future months as the United States has to negotiate with the Soviet Union about many problems in other parts of the world.

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

Mr. CHURCH. I yield the Senator 1 additional minute.

Mr. TUNNEY. Mr. President, irrespective of whether the Soviet Union challenges the blockade in Vietnam, it seems to me their national pride is going to dictate that they put the pressure on us in some other part of the world, whether it be Berlin, the Middle East, or the subcontinent of Asia, they will put the pressure on us in an area where they have the strong cards and we have the weak ones. This is the tragedy of the President's policy of escalation—it will make it much more difficult to achieve a modus vivendi with the Soviet Union and it will keep Americans in Vietnam indefinitely fighting and dying.

Therefore, I hope the Senate rejects the Byrd amendment which will only serve to protract our stay in Vietnam and approves the Case-Church amendment as written because it seems to me the best way at this particular point in time to get out of this dreadful war.

Mr. CHURCH. Mr. President, I yield myself the remainder of the time.

The distinguished senior Senator from Missouri (Mr. SYMINGTON) has prepared a chronicle of the cease-fire proposal, as it has been raised through the years and consistently rejected by North Vietnam. Reviewing the dismal history of the cease-fire proposal is enough to demonstrate the great mistake we will make if we add that provision to the Case-Church amendment.

Mr. President, I ask unanimous consent that this brief history be printed here in the RECORD.

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

On last January 25, the President offered a plan for withdrawal of our forces in six months, provided we received back our prisoners. He added to his proposal what was characterized at that time as a "hooker," namely, that the North Vietnamese must also agree to a military cease-fire throughout Indochina.

At that time also it was clear to many of us that this cease-fire stipulation killed any chance of his plan being accepted. We knew, and he knew, that in the past Hanoi had consistently refused to consider a cease-fire prior to a political settlement.

As far back as October 1970, with the same stage play, President Nixon offered North Vietnam a five-point peace plan. The first point was a cease-fire and the North Vietnamese promptly rejected that.

In July 1971, Hanoi offered a peace plan, one which stipulated that a cease-fire arrangement would only be agreed to after a "government of national concord" was formed. At that time Le Duc Tho announced that, if President Nixon tried to link an agreement on the fixing of a withdrawal date with a cease-fire agreement, there would be no agreement.

The reasoning advanced by Hanoi for their attitude in opposition to a cease-fire has been consistent. They believe that the institution of a cease-fire, without a political settlement, would be tantamount to their losing the war.

Territorially they would be placed in a disadvantageous position in South Vietnam, Laos and Cambodia. Infiltration would have to stop; and the result, in their stated opinion, would be a victory for Saigon on the diplomatic front after it became clear South Vietnam was incapable of winning on the military front.

In short, from Hanoi's viewpoint, any cease-fire proposal of President Nixon is unacceptable because they believe, in effect, it would require Hanoi to give up the struggle.

It is also clear, and has been for many months, that the North Vietnamese will not accept a military settlement—cease-fire—before a political settlement; and if that has been their position in the past, why, after their recent substantial military successes would they be willing to do so now?

Mr. CHURCH. Mr. President, I hope that the Senate will not complicate such chance as there may be for the release of American prisoners of war by making it contingent upon a cease-fire which North Vietnam has not only consistently rejected in the past, but which present conditions on the battlefield make it even less likely for her to accept now.

Our prisoners have been incarcerated long enough. Let us not prolong the day when they can be freed and returned to their homes again.

As it now stands, the Church-Case proposal is unfettered. It has the overwhelming support of the American people, as exhibited by the latest Gallup Poll. We ought to agree to the amendment in unmodified form.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, there is no doubt in my mind that the sponsorship of the present amendment is a sincere gesture on the part of our distinguished colleague from West Virginia. Knowing him as well as I do, I do not question for one moment his motives in bringing up the amendment. But I do say if we agree to his amendment today we will only be prolonging the agony. We will be prolonging the agony of Vietnam.

I do not question for 1 minute that President Nixon, when he inaugurated his policy of Vietnamization, was very, very sincere. I am sure he thought at the time it might work.

The fact remains, however, that we have been let down. We have been let down by Saigon. After 3 years in this effort, we have to face the fact that when the incursion took place and the DMZ was crossed, the South Vietnamese threw down their muskets, took off their uniforms, and ran.

The next question is: What do we do about it? Where do we go from here? Have a cease-fire? Everybody would like to have a cease-fire and I would be the first to suggest we seek it.

I think if we tie it to this amendment—I repeat—all we are doing is prolonging the agony. I think we have fulfilled our commitment in Vietnam. We have spent billions and billions of dollars. As the majority leader has pointed out time and time again we have over 50,000 dead and over a quarter million seriously injured. What price must we pay to prove we went 8,000 miles from home to give peace and freedom for which our friends have not energetically fought themselves?

The question here is: Do we get out and stay out, and if you want to get out, how do you do it? Is it by getting in more or by getting in less?

We have mined these harbors. Thank God nothing has happened so far. I pray that nothing will happen. I pray President Nixon succeeds. I have that prayer on my lips every night. But the fact remains we are pursuing a very dangerous course. Where it will end nobody knows. If we are looking for a military victory somebody should stand up and say so. Surely the time has come when we have to bite the bullet and tell the American people yes or no—do we intend to get out and stay out or to get in deeper.

Are we looking for a prearranged cease-fire under international supervision, that would be wonderful if we could get it. But the wish is unrealistic. If we want to bring our boys home and have an accounting for those missing in action, the one way to do it is to establish a policy which has been declared on this floor by the Church-Case amendment that we will get out in 4 months after the release of our prisoners.

Mr. President, if you want to get out, that is the way to get out. If you want to stay in, keep escalating this war, and that is what this administration is doing.

I commend President Nixon for trying, but I think this last move on May 8 was a terrible mistake that will take us—Gods knows where. We are stretching to the end of the limb, and then only the Lord knows how much more involved we will be.

We started out by saying that our policy in Asia was one of a political solution, and now we are fighting for a military victory. We cannot win the war unless we invade North Vietnam. This we do not propose to do. This the American people would not stand for. Surely we cannot win it with the weakness that has been displayed by the soldiers of South Vietnam, and I say that as seriously as I have said anything on the floor of the Senate. Let us keep to a clear course. Let us keep the Church-Case amendment intact.

The PRESIDING OFFICER. The time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

VISIT TO THE SENATE BY THE APOLLO 16 ASTRONAUTS

The PRESIDING OFFICER (Mr. HUGHES). The Chair appoints the majority leader and the minority leader as members of a committee to escort into the Senate Chamber the three astronauts who were the crew of Apollo 16.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum for 1 minute.

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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess for not to exceed 30 minutes to meet and congratulate the astronauts.

At 1:32 p.m. the Senate took a recess.

Capt. John W. Young, U.S. Navy, and Mrs. Young, Col. Charles Duke, U.S. Air Force, and Mrs. Duke, and Comdr. Thomas K. Mattingly, U.S. Navy, escorted by Mr. MANSFIELD, Mr. SCOTT, Mr. ANDERSON, and Mr. CURTIS, entered the Chamber.

[Applause, Senators rising.]

Mr. MANSFIELD. On behalf of the distinguished minority leader and myself and the entire Senate, I take this occasion to welcome our distinguished astronauts to this Chamber. There will be no speeches except this one. Now it is up to us to shake hands with the distinguished astronauts and tell them how much we appreciate what they have done and also express appreciation to their wives for the encouragement and solace which they gave them.

(Senators exchanged greetings with the astronauts and their wives.)

At 1:53 p.m., upon the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. CHILES).

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.

Mr. HATFIELD. Mr. President, it is regrettable that at this late date in the war, the issues that keep us from peace

are still not clearly understood. We are asked to vote on an amendment making an "internationally supervised cease-fire" a condition on our withdrawal from Indochina in 4 months time. So it would appear that Senators are voting for or against a cease-fire.

Actually the exact opposite is true.

Voting for this cease-fire provision, in all likelihood, will prolong the war, rather than end hostilities.

Commentators have said that the administration's most recent peace proposal is a totally new, unprecedented offer. I wish, very sincerely, that it were. But from what I can determine in the public record, that is not the case.

On May 31, 1971, we offered to withdraw totally in exchange for a cease-fire and the return of our prisoners. The other side turned down that secret offer, saying it could not accept a cease-fire in the absence of a framework for a political settlement of the war.

Now I do not maintain that their position is justifiable. But one would have to say that it is at least understandable. The war is being fought over the issue of political power in South Vietnam. The other side has said that it would not agree to give up its military effort, and stop where they are, without some agreement on a political, solution. This has been the subject of the deadlocked negotiations in Paris. The prospects of our adversaries agreeing to such a cease-fire now is even more remote than previously because of their military gains.

In effect, it seems we are now trying to gain through negotiations what the South Vietnamese have not been able to win on the battlefield.

The issue is also not the protection of our own troops. The North Vietnamese have stated that if we agree to end all military operations and withdraw all our troops, they would be willing to cease hostilities between their forces and U.S. forces. If we are committed only to withdrawing our forces, and ending our bombing, as rapidly as possible, and not committed to maintaining the Theiu regime, then we can seek an arrangement to guarantee the safety of our troops during that withdrawal.

Thus, by passing this amendment, we will not be moving toward actual cease-fire; rather, we will write into law conditions on our withdrawal that have already been rejected by the other side—conditions that have been rejected in principle for over a year. We will darken the hope for ending the suffering and tragedy of this war.

I wish this were not so; I pray that the suffering and killing would cease. And if there were any realistic hope that the agony of this war would be ended by voting for this amendment, of course, I would do so. But I fear that the opposite will occur, and we should not deceive ourselves. However good it might sound to say we are for a cease-fire, in reality we are supporting a position which will not end the fighting.

I would add that in the event this amendment should succeed, I will vote against the Case-Church amendment as modified by the Byrd amendment.

Mr. President, there have been two statements of analysis regarding the cease-fire proposal which I would like to bring to the attention of the Senate. One has been prepared by the Friends Committee on National Legislation, and the other by the Indochina Resource Center. I ask unanimous consent that they be printed in the RECORD at this point.

Also, after the President revealed the secret peace talks between Mr. Kissinger and the North Vietnamese, Mr. George Kahin wrote an exceptional analysis of our negotiating position. I ask unanimous consent that this article, as it appeared in the New Republic on February 12, 1972, also be printed in the RECORD.

Finally, Mr. George Wilson, an outstanding reporter with the Washington Post, has just returned from Vietnam. He has captured in a most unique way the human tragedy exacted by this war, and the consequences of our intervention, and our massive fire power, on the lives of the Vietnamese. I ask unanimous consent that these articles,the first two of a series be printed in the RECORD.

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

FRIENDS COMMITTEE ON NATIONAL LEGISLATION "CEASE-FIRE"—A FORMULA TO CONTINUE THE WAR, NOT END IT

Sen. Robert Byrd, W. Va., has proposed to add the words "an internationally supervised ceasefire to the Case-Church amendment as an additional requirement to be negotiated before U.S. troops are withdrawn. An attempt may also be made to add a similar provision to the proposal now being considered by the House Foreign Affairs Committee. A vote is scheduled at 2 p.m. Tuesday, May 16 on the Byrd amendment.

All who value human life ardently hope for an end to the killing in Indochina. Nevertheless, inclusion of this requirement in Congressional amendments to end the war would prolong the killing, not end it. Why?

1. *Congress would thereby give a veto to Saigon, or to Hanoi, or to the Provisional Revolutionary Government or to the Nixon Administration over U.S. disengagement from this war.*

An "internationally supervised ceasefire" is a highly complicated agreement, especially in the absence of a decisive military situation. It could take months or years to negotiate—witness the current Paris negotiations. Consider these delicate issues which must be decided in a highly charged atmosphere of mistrust:

(a) If the fighting stops, how does one determine who is in political control of an area? This is clear regarding Saigon and Quang Tri, but what about provinces such as Quang Ngai? There the provincial capital is held by government troops but most of the countryside is held by the PRG. What about those areas controlled by one side in daylight and the other at night? Some have suggested a map of South Vietnam might look like leopard spots if such a ceasefire were instituted. Must there be agreement on how this map looks before a ceasefire begins?

(b) Does each side keep its weapons in place and ready to use in its area? Can the United States continue to supply replacement parts, gasoline, etc. to ARVN forces? Can the USSR and China continue to do the same for DRVN/PRG forces? Will Saigon harbor and the Ho Chi Minh trail be closed or flowing with material? Would a ceasefire merely provide a period to replenish forces before the war begins again?

(c) How would the ceasefire provisions be applied in Cambodia and Laos? Does this permit the National United Front of Cambodia to organize a government in areas of Cambodia not controlled by the Phnom Penh government? Would it recognize the areas currently administered by the Pathet Lao in Laos?

(d) Who supervises the ceasefire? What countries are represented? What authority do they have to travel freely throughout the country and to report violations?

These are not insoluble problems. In fact, they must be solved as part of a final settlement. The point here is that without agreement on the political complexion of the South Vietnamese Government, these problems cannot be resolved. Any one of the negotiating parties can stymie agreement.

The *Byrd* amendment and similar proposals thus give a veto to the Vietnamese, North and South, over U.S. policy in Indochina.

Congress by requiring an undefined and undefinable "internationally supervised ceasefire agreement" prior to U.S. troop withdrawal would be buying a pig in a poke. It would prevent any early release of P.O.W.'s. Its indefinite meaning in the context of current military operations suggests it could be used by the Administration as a subtle Gulf of Tonkin Resolution.

2. *Hanoi and the PRG are unlikely to agree to a ceasefire.*

Administration spokesmen argue that a ceasefire should appeal to Hanoi and the PRG because they could retain control over the "large chunks" of territory they have gained in recent weeks of fighting in South Vietnam.

But Hanoi and the PRG also have many supporters and sympathizers throughout Vietnam including many units and cadres in the countryside. A ceasefire, it is argued, would endanger these groups by keeping the Saigon Government's extensive police system in operation. The police, backed by the army and militia, in the name of domestic peace and order could continue to arrest, detain, imprison and even kill those it describes as opponents of the regime. Hanoi and the PRG are not likely to agree to this.

There are approximately 100,000 men in the police force of South Vietnam, who are permitted by the Constitution to act against anyone considered to be a threat to national security. This number is scheduled to rise to 120,000 by the end of 1972. In addition the total South Vietnamese military establishment numbers approximately 1,200,000 in a country of 17 million.

What convincing assurance could be given to the PRG that the South Vietnamese Government would not continue its programs of identification, interrogation and assassination, as in Operation Phoenix, in the name of law and order? Would political prisoners be released or would more opponents of the government be arrested?

Is this current emphasis on an "internationally supervised ceasefire" just another case of one side insisting on a condition which it knows will be unacceptable to the other side?

3. *A ceasefire unaccompanied by a political settlement is highly volatile and unworkable.*

There have been numerous truces in this war. All have been brief and marred by charges by both sides of violations. So long as no settlement of outstanding political issues is reached, each side will be moved, almost irresistably, to break the agreement in an attempt to change the political and military situation to its advantage.

By rejecting the Byrd amendment, Congress will retain some control over the length of further U.S. involvement in the Indochina war.

The timetable for the complete withdrawal should be set by Congress, as in the Brooke-McGovern-Hatfield date of August 31 or the proposal of October 1 submitted to the House Foreign Affairs Committee, or even the date of December 31 as in the Case-Church

amendment as it came from the Senate Foreign Relations Committee.

But Congress should not abdicate further its control over the US troop withdrawal timetable. It should not make this timetable dependent on the reaching of agreement on complex, controversial and subtle issues among hostile and adverse parties. This is a formula for endless war.

INDOCHINA RESOURCE CENTER,
Washington, D.C., May 15, 1972.

NIXON'S PEACE PLAN

Along with President Nixon's announcement of the intensified bombing of North Vietnam and the mining of Haiphong harbor, he announced that once American prisoners are returned and a supervised cease-fire in place has been arranged throughout Indochina, the United States would stop "all acts of force" and withdraw all American forces within four months.

This peace plan may sound "generous" to President Nixon and many war-weary Americans who have only a cursory knowledge of the real issues of this war, but it will never be accepted by the other side. Why? Is the other side opposed to ending the war? It is worthwhile to make several points.

First, the Geneva agreements that ended the First Indochina War provided for an internationally supervised cease-fire and a temporary partition of the country into two military regroupment zones. The partition was to be removed by internationally supervised elections to be held in 1956 to reunify the country. The Vietminh military forces did cease fire and regrouped in the North. In 1955 the Vietminh political workers in the South began campaigning for the 1956 elections. However, the French left Vietnam in 1955 and turned over "power" in the South to the U.S.-supported Ngo Dinh Diem. Diem promptly cancelled the scheduled elections and jailed or executed the Vietminh who had made themselves known by campaigning for the election. The Vietminh appealed to the International Control Commission to bring international pressure to force the elections, but the real "power" lay in the hands of the army and police of Diem. Left without any legal recourse, the Southern supporters of the Vietminh banded together to fight for their lives and to liberate their country. The net result was the Second Indochina War. The 1954–56 experience taught the Vietnamese not to be tricked again.

Second, the Nixon administration has been seeking a cease-fire in place since it took office in 1969. It has failed and the war continues. The PRG position states: "In regard to the so-called 'on the spot unconditional cease-fire' put forward by President Nixon . . . would amount on the one hand to legalizing American aggression, to legalizing the administration in the pay of the United States, and on the other hand, to depriving the South Vietnamese population of its legitimate right of self-defense, thus permitting the United States to gain time in order to consolidate the puppet army and administration and to let loose, at the moment of their choice, an even more savage war. That is why, faithful to the legitimate aspirations of the South Vietnamese population, we have unmasked and rejected that subterfuge."

Third, there was a revealing dialogue on the Martin Agronsky Evening Edition news show on Friday, May 12 between Congressman Edward Derwinski (R.-Ill.) of the Foreign Affairs Committee and Congressman Jerome Waldie (D.-Calif.). Derwinski was one of the Congressional leadership briefed before Nixon's speech and supported the President's actions. One interchange was particularly informative. Paraphrasing their remarks:

DERWINSKI. Are you in favor of abandoning our ally, the South Vietnamese?

WALDIE. The President is offering to abandon our ally by his offer to stop all acts of force and withdraw within four months.

DERWINSKI. But there will be a cease-fire.

WALDIE. What if the cease-fire is broken? What if the North Vietnamese break the cease-fire?

DERWINSKI. Our air and seapower in the area will be used to prevent the defeat of the South Vietnamese.

It is obvious that the North Vietnamese and NLF will not return American POWs unless they are certain that all acts of force by the U.S. will be stopped and not resumed.

The PRG has stated that it will cease fire with the Americans and return the POWs if the U.S. will cease fire (including bombing) and set a date for total withdrawal of U.S. and U.S.-supported third nation forces. They will not observe a cease-fire with the South Vietnamese until a political settlement is agreed to.

There is one additional sticking point which has not received much attention. The Seven Point Peace Initiative of the PRG put forward on July 1, 1971 states that if the U.S. sets a date for total withdrawal, the parties will agree on the safe withdrawal of troops and the "freeing of all military personnel of all parties and of civilians captured during the war, including the American pilots captured in North Vietnam." This of course includes North Vietnamese and NLF soldiers and civilian political prisoners. All of these prisoners are held by the Thieu regime and their release requires Saigon's assent and cooperation. Saigon is likely to resist any such deal if its future existence is threatened. Because of U.S. military expediency, we have given Thieu custody of the soldiers our forces have captured, and thereby we have made a prisoner exchange much more difficult.

If the North Vietnamese and PRG agree to return American POWs without a full prisoner exchange, they will be making a major concession.

NIXON'S PEACE PLAN

(By George McT. Kahin)

Any careful scrutiny of President Nixon's eight-point Vietnam peace plan leaves little hope that it will provide a basis for a negotiated settlement of the war. Most of its provisions have been incorporated in earlier American proposals—proposals which were not acceptable to Hanoi and the NLF. The President has stated his willingness to set a terminal date for the withdrawal of all American forces but has made this dependent upon a formidable set of conditions that go far beyond the simple release of prisoners and the safety of withdrawing American forces. The only hope one can entertain is that President Nixon will regard his proposal as simply a point of departure from which he is prepared to move a very long way toward the NLF-Hanoi position in an effort to find common ground upon which realistic negotiations can finally begin.

But if the President should actually intend to move toward the middle ground of genuine compromise some of the most fundamental components of his eight points will have to be drastically altered. Of central importance is the question of a cease-fire which, contrary to what Mr. Kissinger stated to the press, is very much a major issue and one where the positions are far apart. There are two very different kinds of cease-fire on the table: President Nixon's all-party, All-Indochina cease-fire; and the NLF's proposal for an initial bilateral cease-fire between just the NLF and Hanoi on the one side, and the US and its Korean and other non-Vietnamese allies on the other, with the area covered limited to South Vietnam.

Thus the cease-fire that the NLF and Hanoi are prepared to enter into with us explicitly excludes General Thieu's armed forces. The reason for this is basic to their whole approach to a negotiated settlement: that as between them and Saigon any cease-fire must be preceded by a political agreement. Their experience with the US and Ngo Dinh Diem in the post-Geneva period has taught them that it is folly to trust to the mere promise of a political agreement later, in return for a prior armistice. They will not again give up their military leverage without first securing a firm agreement covering the political issues about which the war is being fought. It was with this consideration in mind that the NLF in its seven-point proposal of last July separated out a cease-fire with the United States from the question of its own cease-fire with Saigon's forces. For unless such a separation is made there can be no possibility for a release of prisoners and the safe evacuation of remaining American forces until *after* a political agreement with Saigon has been secured—a matter which will take considerable time to work out.

However, President Nixon's proposed cease-fire is far more complicated and difficult of resolution than the bilateral arrangements proposed by the NLF and Hanoi. With respect to South Vietnam it is evident that it would have far-reaching and decisive political consequences that, quite apart from whatever electoral process is followed, would virtually assure the continuation of Thieu's regime in power. In other words, once President Nixon's kind of cease-fire was operative there would almost automatically ensure political consequences that would be decisive in the allocation of power in South Vietnam and would virtually assure paramountcy for Thieu and his regime. It is with this in mind that one must assess the "flexibility" with which Mr. Kissinger has credited President Nixon, particularly the President's statement that "we would be willing to begin implementing certain military aspects while negotiations continue on the implementation of other issues . . . [or] to settle only the military issues and leave the political issues to the Vietnamese alone." For the antecedent military issues, if solved along the lines called for by the President, would almost certainly ensure resolution of the political issues in accordance with his objectives.

First of all, President Nixon's cease-fire seeks to freeze the military balance at a point in time when the scales are still heavily weighted with US ground and air power (plus over two divisions of US-financed South Korean troops). Thus in terms of self-determination a freezing of the pattern of territory at present under control of the contending Vietnamese parties would be artificial and conductive to equally artificial political consequences. Such a cease-fire would register the enormous impact of American fire power on major areas of South Vietnam. It would not only reflect Saigon's garrisoning of territories won for it over the past years by American combat forces; it would also keep locked into Saigon's control several million refugees that our bombing and artillery fire have driven out of substantial areas which were previously administered by the NLF.

Moreover, as any close reading of points 5, 6 and 7 of President Nixon's proposal makes clear, his ceasefire is intimately tied in with the requirement for a withdrawal of North Vietnamese forces. This Hanoi is not likely to accept prior to an acceptable political settlement in the South. Certainly Hanoi will not withdraw its troops unless assured that supporters of the NLF are protected against reprisal from the Saigon government. Nor will it accept an election in the South preceded by a disarmament of the NLF while the Saigon generals that support Thieu maintain their arms.

It has been widely noted that President Nixon is calling for a cease-fire at the beginning of the dry season when enemy forces are

poised to undertake attacks that even our own military believe will be attended by some successes. Moreover, at the present time most NLF main force units are over the border in Cambodia either engaged in the fighting or resting up for subsequent operations there or in South Vietnam. Thus a cease-fire now would freeze the most important NLF units in position outside their own country.

In neither the President's eight points nor his January 25 speech is any mention made of the NLF's armed forces, and thus there is no reason to assume that the US and Thieu have changed their position with regard to them. This view—essentially that of the Johnson administration—insists that the NLF's armed forces must either go to North Vietnam or, if they elect to return to their homes, surrender their arms to the Saigon regime. With the NLF's armed forces so eliminated, and with Thieu's million-man army and 125,000 police keeping their own arms, it is unlikely that civilian political adherents of the NLF would risk exposing themselves by engaging in election activity or be tempted to serve on the electoral commission to which President Thieu and President Nixon have invited them.

There are other aspects of President Nixon's proposal that will undoubtedly give the NLF pause. He is silent on the question of political amnesty, a matter about which the NLF has repeatedly expressed its concern and which it has highlighted in its own proposal. (There it calls for "concrete measures with the required guarantees" to be taken "so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party" and the release of "all persons jailed for political reasons.") Also likely to appear ominous to the NLF is the reference that President Nixon does make to civilian prisoners. Whereas the NLF's proposal calls for the release of "the totality" of "the civilians captured in the war," his proposal provides only for the release of "innocent civilians." President Thieu's criteria for political "innocence" are hardly likely to provide assurance that this will include NLF supporters. If Truong Dinh Dzu, the non-Communist lawyer who with 17 percent of the votes ranked next to Thieu in the 1967 presidential election, is still doing hard labor in a concentration camp and if several thousand Buddhist leaders, students and teachers now in such camps or in jail, are considered as non-innocent by Thieu, what prospect is there that he will release the additional thousands of jailed political adherents of the NLF so that they can help organize and participate in the proposed election?

President Nixon's call for another presidential election in South Vietnam so soon after the American-endorsed election of last October may seem plausible to some Americans, but it will have little appeal in Vietnam, among either Communists or non-Communists. In appreciating this, one should recall not merely the farcical character of the last election in which even members of the Saigon military establishment were given no fair chance to compete against Thieu, and where the Nixon administration insisted that the United States was completely "neutral." One should also remember the earlier election of 1967, run under the aegis of Saigon's military establishment (where Thieu was then chief of state and chairman of the armed forces council) through which Thieu first became President. There, even after the main popular figures had been screened out of the running, the balloting fraud was so widespread that Saigon's Central Election Council voted 16–2 to invalidate it. It was only after intimidation by threats from the police and other agents of Thieu and Ky and after visible pressure from the American Embassy that a cowed national assembly overruled its decision and declared Thieu's election valid. In that election, too, Washington asserted that the US had been completely "neutral" and endorsed the process as having produced a legitimate, freely elected government representing the will of the South Vietnamese people.

In view of this history of American-promoted elections in Vietnam, it is perhaps understandable that the NLF might be skeptical about its chances in the exercise that President Nixon is now proposing, and why his invitation to membership in an electoral commission charged with overseeing the elections might not seem very attractive. Along with non-Communist opponents of the Thieu regime they recognize all too well that such a body, whether or not subject to international supervision, can have little effect on the course of elections run under the political and administrative aegis of a Saigon government controlled by Thieu and his lieutenants. The NLF has always argued that the central factor is who controls the administrative and political organization at the time that elections are held. It would regard a sharing of power on an electoral commission as futile unless it also shared power in the government and administration whose police and civil and military officials were in control at the time of elections.

The scenario suggested by President Nixon whereby Thieu steps out of the presidential palace a month before the elections in which he intends to run will only be viewed with derision in Vietnam. Absence from his office at that time would, of course, make no real difference. In the first place, the chairman of the senate, whom President Nixon has suggested could serve as "caretaker head of the government," is Thieu's man. But in any case the administration would be firmly in the hands of Thieu appointees from General Khiem, his Prime Minister, through the cabinet, all the way down to the 44 province chiefs and more numerous district heads, each of whom Thieu has appointed and each of whom is beholden to him for continuance in office. Unless this political machine of President Thieu yields place to a different, more representative administration one cannot expect anything like a "free and democratic" election, even if an independent electoral commission "representing all political forces in Vietnam" attempts to achieve this in conjunction with "international supervision."

The Vietnamese have already had experience with international supervision and they have not found it very effective. They recall that the three-nation International Control Commission (composed of members from India, Canada and Poland) that was set up by the 1954 Geneva Conference was quite unable to prepare the ground for the elections scheduled for two years later. It was unable either to halt political reprisals (with Diem finally obliging it to stop even its investigations of them) or to induce Saigon to enter into the negotiations with Hanoi necessary for planning the elections that the ICC was to supervise in 1956. Perhaps it would be possible to arrange for an international supervisory presence much stronger than the ICC; even so the NLF is unlikely to trust to elections prior to a change in the character of the government in Saigon under whose administration they would be held.

Whether taken as a whole or restricted to its most fundamental elements, President Nixon's eight-point proposal departs so far from what our opponents might possibly accept, as to lend credence to the allegation that he is addressing himself to an American audience rather than to those with whom he says he wants to negotiate. For he has made the setting of any terminal date for withdrawal of all American ground forces, and an end to the bombing, dependent upon the enemy's acceptance of conditions that in fact add up to virtual military capitulation and the NLF's political strangulation. He calls for the South Vietnamese people to decide their political future for themselves "free from outside interference," but his strategy is clearly calculated to register the present weightage of US ground and air power on the scales of Vietnamese self-determination. His policy advantages Thieu and his coterie and appears designed to keep them in power.

Despite the ambiguities of President Nixon's proposal the order of his priorities emerges with greater clarity. Certainly there can no longer be much doubt that in his view the release of prisoners and the safety of American troops still in Vietnam must yield precedence to preservation of the military and political position of the present Saigon regime.

Red Beach—The Human Flotsam of War

(By George C. Wilson)

Danang.—The hamlet chief welcomed us into his home on Red Beach and then pulled out two pieces of paper that identified him as one of those special casualties of the Vietnam war.

"At about 8:30 a.m. on the 8th of September 1968," he had written in the form supplied by the American government, "my daughter, Vo Thi Duc, was helping my wife, Nguyen Thi Lang, pulling fishing net from the water of Ha Khe beach, Suddenly, an U.S. airplane fell from the sky into the water. One piece of that airplane the size of a desk hit my daughter and carried her away twenty yards, injuring her and kill her on the spot."

The second piece of paper was the U.S. government's reply to Hamlet Chief Vo Dong's claim for $1,250 to compensate him for the life of his 12-year-old daughter:

"The Foreign Claims Commission has carefully examined all of the available evidence pertaining to your claim," wrote Army Major Leonard G. Crowley. "The commission has determined that the incident arose out of combat activities engaged in by the United States aircraft involved. Under the laws and regulations governing this commission, combat related claims are not compensable."

The chief asked us to explain that line, "combat related claims are not compensable," because we were Americans who should understand. "Couldn't your government at least pay for my daughter's funeral? I asked for 500,000 piasters—is that so much money to you? My own government told me it was not their plane. I rode my bicycle to Danang about 30 times about this matter. Who is responsible?"

It seemed empty to tell the stricken father, as he brought out pictures of his daughter and other correspondence, that the war was responsible. And it was ironic that the hamlet chief was interviewing us, not we him, on that historic landmark of American involvement in the Vietnam War, Red Beach.

Red Beach is the place the first American ground combat troops entered the war. On March 8, 1965, Marines started wading ashore with the announced mission of protecting the Danang airfield. Later they were ordered to pacify the countryside in this northern area of Vietnam, now designated Military Region One.

Looking back on the Marines' accomplishments in Vietnam in 1965 and 1966, former First Division commander, Maj. Gen. Herman Nickerson Jr., once said: "Not only has this division defeated a Communist insurgent, it also has contributed to the pacification of a land torn asunder."

Today, Red Beach itself mocks those words and others like it. The U.S. and South Vietnamese governments, to cite one more example of official rhetoric, said in their joint declaration of Honolulu on Feb. 8, 1966, that "it is a military war, a war for the hearts of our people. We cannot win one without winning the other. But the war for the hearts of the people is more than a military tactic. It is a moral principle . . ."

Not far from where the Marines landed, people are now piled up like so much driftwood on the beach in houses made of the flotsam of the American military presence—Budweiser beer cartons, ammunition packing crates, artillery shell casings.

Men, women and children move about the beach dressed in pieces of American military uniforms—sometimes in fatigue tops with the soldier's name still sewn over the pocket. Tots paddle around the harbor in punts made from styrofoam bomb containers. And shouts of, "Hey Joe, where you go?" come from the little houses whenever Americans pass.

Most of the people in the flimsy shacks moved here to escape the crossfire of the war. Danang, at least when the American military presence was large, offered jobs and security. Now the jobs are gone, along with most of the Americans. The security, in the face of the North Vietnamese invasion, is tenuous.

But there is no place else for the people to go right now. Their farms farther north are still unsafe. Even resettlement areas in the south, like Phuoctuy, are under attack. So, in this sense, Danang and its environs like Red Beach are a microcosm of what is happening to the people in Vietnam in this suspenseful stage of the war—the Vietnamization stage—the American legacy stage—the time of testing stage.

To convey what the South Vietnamese people are thinking at this crucial juncture in the long war, Charles Benoit—an experienced Vietnam hand who served as translator—and I interviewed scores of them over four weeks, both before and after the offensive began. We concentrated on the Danang area because of its symbolic importance, because the hardest fighting was done in the north while the Americans were here in force and because it is the main front in this current test of Vietnamization.

Some of the most eloquent testimony came from a rice farmer who, after he was uprooted by the war, turned to tailoring to make a living. He spoke of bombs and bullets in peasant terms—the terms that really matter in a primitive country like Vietnam where farming is the chief industry.

"Insecurity," he said in a long talk in a house on Red Beach, "means that there are two sides, and I'm in the middle and I must get out.

"I have moved 20 times since 1948 and built 14 different houses in that time. You must understand what the war does to people in this country. I will tell you, but I don't want my name used or my picture taken. The government is not going to like what I will tell you.

"Everytime a government military outpost moves into my area to protect me, I know that there is going to be a fight and that I will have to move.

"In the old days, when the French and Vietminh fought, I had more time. I could hide my family in the woods outside the village for a few days, then return.

"People could still make a living in those days. They could go back to their fields. That was before the Americans came with their bombs. Now the bombs fall from the mountains to the sea. If you stay in your village, you die.

"If you are a farmer without land, you no longer can go out behind the house and get something to eat. You try to get a job in the middle. Now everybody around here is trying to get into the middle. But there is no middle.

"The Americans and their jobs are leaving. More people looking for jobs because they can't stay in the countryside are coming in here.

"I haven't had any work all year. I get by with my bag of tricks. I sew some things on my sewing machine; have a little garden far from here, and my wife and children sell this and that on the market.

"But I can't keep up. Prices are rising. Rice used to be 300 piasters a bag. Now it's 2,000 piasters. The people don't have a means of making a living. All of them want to return to their homes, grave sites, orchards and fields. But it is not safe."

Asked when things would get better, the 53-year-old farmer-tailor who had been through so much reflected a moment and said: "Who knows when peace will come? In war, nothing is certain. All the people want to do is make a living. But there is no way to make a living now. They might starve to death."

We left his home and visited other families along the sandy lanes weaving through the flatland behind Red Beach. The theme that first the Communists come and then the bombs fall kept recurring in the interviews. This was the typical dialogue:

Q. Why did you leave your village and come here?

A. Because of the VC (Vietcong).

Q. Did they tell you to leave?

A. No. It was the cannon.

Q. What kind of cannon?

A. The cannon from the sky.

Leaving the houses for the beach, we walked along the water's edge. We had to pick our way carefully because there is no plumbing for the refugee shacks on Red Beach. People defecate at the tideline. The huge worms in the feces testified to minimum health care for the displaced people of Red Beach.

We Americans on foot were a novelty. Hundreds of children followed us and begged us to take their pictures. Many of the tiny girls wore gold earrings. Vietnamese decorate their youngest with their treasures.

At one of our stops on the beach, we heard two little boys arguing as they looked up at a C–130 transport gliding in toward Danang air field: "I don't think that one shoots," said one. "Yes it does," said the other. There was no argument about the F–4s roaring in and out of the airfield. They knew they shot.

The children, from what we could tell, were making do with what they had. They laughed a lot, swam in the ocean and played in the bomb-container boats. The older men and women, in contrast, seldom smiled or had a happy word. "At least there is fish to eat," was the closest thing to an expression of contentment by the parents we interviewed on Red Beach.

The dominant mood seemed to be reflected in the soulful antiwar songs written by Trinh Cong and heard all over Vietnam these days, for example, this passage from "But Today":

"Once Mother Vietnam was peaceful and happy . . . sounds of laughter and animation were everywhere . . . a sacred country, a yellow skin, prosperous people, festivals all year . . . but today our homeland is flares. Our homeland is full of caskets . . . our homeland is digging bomb shelters . . . our homeland is breathing bullets and mines . . . children running from bombs . . . But today our homeland is airships . . . burned fields . . . empty houses. . . but today our homeland is hatred . . . our homeland is to sit exhausted with bullet wounds all over the body . . . But today our homeland is rolls of barbed wire . . . our homeland is going astray."

Representative Pham Xuan Huy, a Buddhist elected to the lower house from Danang over Thieu endorsed candidates, heard we were in town and challenged us to come with him at night to see the ugly legacy of this war.

First stop was a huge market on the edge of the city. The hawkers had left. The long counters that by day bulged with produce, straw hats and shoes were now barren.

"If you came here with a policeman," said Huy as we ducked through one of the small doors deep inside the deeply lit market, "you would never see the people hiding in here. They are afraid of getting thrown out of the market. They have no place else to sleep."

We took a turn, surprising an old woman sitting on an empty counter with her grandchildren. She glanced up at me and instantly fell to her knees screaming, clasping her hands for mercy: "They're going to kill me; they're going to kill me," she shouted with terror in her eyes. She squeezed into a ball like a frightened animal and pushed herself into a dark corner under the counter.

"She came here from a free-fire zone in Quangnam Province," Huy said in a toneless voice that indicated he had seen many sights like this before. A free-fire zone is an area where shells and bombs can be dropped in at will on the theory it is enemy controlled territory.

Next stop was a Buddhist pagoda in the heart of Danang. Again, people from farther north were hiding there because they had no place else to sleep. A group of adults and children got up from the floor of a classroom in the pagoda and came out on the porch to see us at Huy's request.

There was silence as the people adjusted their eyes and focused them on the visiting Americans. Huy told them to tell us what happened when the Korean soldiers came to their village in Thangbinh District south of here. An old man spoke out first and then the women joined in—each building on the other's recollections until the words came out in a rush of emotion:

"The Koreans came in and pulled our babies apart, one soldier on each leg . . . They knifed a pregnant woman in the belly and ripped out her baby and held it up . . . They threw children and old people down wells . . . They shot the water buffaloes . . . If you are on our side, why don't you kill all the Koreans?"

Huy asked the villager to fetch a little boy who had slipped away from a Korean soldier by running out of his loose pants. The boy came to us from the dark court yard of the pagoda where the children were playing. He took one look at the strange Americans screamed in terror and fled into the night.

I stared at Benoit in disbelief at what I had heard him translate and had seen in Depageda. He said the same kind of Korean atrocities had been described in 1968 by Vietnamese he had interviewed for the Rand Corp. He said their stories had been deleted from the Rand write-ups of the interviews. The Koreans resorted to terror to retaliate for sniper fire from villages, according to Benoit.

"What family heritage has Mother Vietnam left behind for her children," asks another of Tinh Cong's songs. "A sad Vietnam, rows of burned houses, a jungle of dry bones, a mountain full of graves, a gang of half breeds, a band of unfaithful . . . Mother hopes her children born of one father will forget their hatred . . ."

Le Tich, 44, is trying to support his household of wife, eight children and two grandparents on no job. He has lost the last one he had as a $25 a month carpenter at the former Marine base at Camp Books here. He walked to work from his Catholic village of Phuoctan.

"I would be willing to move farther south because there is nothing to do here," he said. "I want to go back home, but I don't know when peace is coming." Home is Lapbinh village in Thuongduc district—a place he left in 1966.

Tich said he has pulled his 15-year-old son out of school so he can scour the already picked over American garbage dumps for aluminum beer cans. He needs the piasters.

The priest in Phuoctan said Tich's plight was typical now that the Americans and their jobs have left. "If you don't publicize the problems of our people," the priest said, "there will be starvation. Already the robberies have doubled and tripled in this area in the last 12 months."

He added that the closeness of the North Vietnamese has put fear in his 2,993 parish-

ioners. "Some have joined the other side. My people are afraid. Nobody travels anymore. If people are afraid to travel, the price of things which do travel goes up."

Before the offensive, the priest said we could print his name. After it began, he said during our followup visit that it might not be wise to identify himself so closely with Americans and thus asked us not to use his name.

"Mother Vietnam lying 20 years, bones and skin soft, waiting for the sacred time for the country," laments Tring Cong in "A Long Day in the Homeland."

My eyes fell on a little boy with no left leg hopping around on crutches like a wounded bird at the So Do Trai refugee camp in the Soncha suburb of Danang. We stared at each other in mutual, morbid curiosity. His family story is one representative of the third generation of Vietnam War refugees.

The first big surge of recent times was the 800,000 refugees who fled from North to South Vietnam in 1954 after the Geneva Conference partitioned the country; the second came during the Tet offensive of 1968 and the third, during the current North Vietnam offesive. One U.S. estimate is that the new offensive has uprooted 700,000 South Vietnamese since March 30.

Tran Van, the legless boy's 71-year-old grandfather, did the talking in one of the camp's tents. Dozens of children pressed around us to listen—their only entertainment in a place where time stands still.

"Americans were going out on operations, and we were getting caught in the middle," said Van in explaining why the family of 10—himself, wife, son, daughter-in-law and six children—moved in 1967 from their two-hectar farm in Mhiha hamlet in Northern Quanotri Province.

"The planes came in and bombed everything flat," he said of their home hamlet. The family moved to their nearest market town where "we did anything to get by—collected firewood and thatch and sold it."

As the North Vietnamese invaders swept on them from the north, the Van family ran south ahead of them. "We ran all night. Whenever shells landed near, we hit the ground," Van said. He lost his wife in the dark. The rest of the family made it to the then safe haven of Quantri City, taking the last legs of the trip south by bus. "We were afraid of dying, so any money we had we put into bus tickets," Van said.

An old woman listening to Van tell his story shouted at us from the back of the tent: "Tell the Americans to get out all their B-52s and kill the VC so we can go back home."

"Yeah," shouted a boy about 15, "all we have to eat here is rice and salt."

An American official in Saigon, while conceding steadily rising bombing and shelling in South Vietnam is ripping the family fabric of the people and turning them into helpless migrants, blamed it on the Communists, declaring: "If you didn't have the fly, you wouldn't need the fly swatter."

Another U.S. official high in the Saigon command said of the misery in the Danang area, "Well, don't get too teary about it. Remember those people chose to live in those areas where the Communists were. And lots of those who moved to Danang to work for the Americans have made a good living."

And still another American directly involved with the people problems in the northern part of South Vietnam conceded that the situation was appalling, but added, "This has very little to do with power politics, as Henry Kissinger understands very well."

It can be argued who is responsible for all the pain inflicted on the South Vietnamese people and whether the U.S. role is morally defensible. But it is inarguable that the Saigon Government and its American sponsors have a huge war legacy problem to cope with beyond the current offensive. What can be done in the midst of a war? South Vietnamese leaders here have some hopes—and some fears in addressing that question.

Fishing and Farming on the Fringes of War

(By George C. Wilson)

Danang.—We launched the 21-foot dory into the surf of the South China Sea at four in the afternoon and headed for the base of Monkey Mountain where the fish were supposed to be.

Pham Van Thich, aged South Vietnamese patriarch of the 13-family fishing combine, had warned interpreter Charles Benoit and me that this was not going to be any pleasure trip—that it was going to be a cold, all-night affair. He pulled skeptically on his Ho Chi Minh beard when we said we wanted to go anyway.

The crew of five men and three boys had the mission of finding and netting finger-sized silver fish that their 13 families live off all year long. Our mission was to see what, if anything, the Vietnam war was doing to the people safely out of its direct cross-fire.

As the one-lunger engine pushed the high-howed boat along, the sun turned the blue-green water gold for a moment, and then ducked out of sight behind the mountain. Everybody looked in admiration. There was no language barrier nor, for the moment, any war.

The conversation picked up when we shut off the engine near the unspoiled sandy beach backdropped by dense green woods—supposedly a hiding place for Vietcong and North Vietnamese infiltrators. The huge airplane radars that the United States put on top of the mountain for its warplane traffic looked like an intrusion on the setting off the beach, war or not.

"We're really not supposed to fish this close to the beach," said one of the fishermen, "but things have been quiet lately so the government boats don't bother us much. When the Americans patrolled out here in their fast boats, they would come along at night and throw grenades into our nets whenever we fished close to the mountain."

Nobody made a big issue out of it. The fishermen were used to living a day at a time and taking what came. They said their luck had been bad lately. Fish were scarce and rice they had to buy from selling the catch was steadily rising in price. They blamed the war. It was keeping them from going deeper into prohibited areas where there were more fish.

In the stern, the cook piled up firewood on a metal sheet laid over the wooden bilge of the deep dory. He was preparing for the highlight of the 15-hour fishing expedition—the big feed at midnight.

Other fishermen smoked quietly and gathered their strength for the hard work they knew was ahead. A little boy, one of the fisherman's sons, moved nimbly around the crowded boat filling kerosene lamps which would be used to attract fish once it became dark.

The father looked at his son appreciatively and said to us with a heavy sadness: "His birth certificate has him younger than he really is. But that's just as well because he is awfully small to carry a rifle."

The fishermen talked of all the boys who had gone to war from the little village of Khamtanmy on the sea north of the area American GI's knew as the China Beach R&R Center. "So many of them have gone all the way to Cambodia and Laos," he said.

His son took an immediate liking to Benoit and asked to have his picture taken with him. The father smiled and said, "I wish I could make enough money to send him to school, but I can't this way."

Darkness fell in a rush. The boy hung the lamps out over the water on sticks the shape of an upside down L. He lit them and then settled back with everybody else on the boat in hopes the fish would see the light and follow it to the surface where they could be netted.

The fishermen shielded their eyes against the light from the hissing lanterns so they could see into the now black water. No silver streaks of fish could be seen in those first hours. The only catch, besides a few squid, was a Chincoteague-looking flounder caught on a hand line.

The skipper moved the boat to a new spot and tossed the bowl-shaped wicker basket over the side. It was tarred below the waterline so it floated with one man standing in it. It could be tipped so that water would drain out through the open weave of the basket above the tarline.

The lanterns were placed around the gunwale of the basket. The fisherman paddled the basket 50 yards away where two boats surrounded it with nets. But this fishing blind netted only a small pile of fish, boys in The States call spearing or silversides.

At midnight, we brought out our gift bottle of Chinese wine to go with the boiled fish and squid. It lasted only one pass around the boat. But for a moment I thought I was going to hear the first spontaneous singing I had ever heard in this war-saddened country. But evidently there was not enough wine for that.

At daybreak, the crew stowed the lights and headed for home. They watched a South Vietnamese patrol boat nervously as they left the off-limit area. There was no way to get away from the war, even out at sea.

The patriarch everybody called Mr. Mien said their fishing village had so far escaped shelling but was hurting badly from the war just the same. He estimated the catch for the two boats working for 13 families the day of our trip would bring less than five dollars total on the market.

He blamed tight war restrictions for keeping fishermen out of the prime fishing areas. He was especially vehement on this point when I interviewed him for the third time—a time when the North Vietnamese offensive had been going on for a month and had prompted much stricter controls on the fishing than the time we went out in mid-March.

"You want to buy my boat?" Mien asked in an interview in his home.

"I don't need it. I can't go out where the fish are. Why doesn't the government trust me? I would be like a watch dog out there. If the VC come in, I'm going to die along with everybody else. I would report any strange boats.

"But look at me. My beard should be twice as long as it is," he said half-jokingly. "But it is falling out because we don't have enough to eat. We are living off what we have saved. We are not allowed to go out where the fish are. It hardly pays to go out."

The fishing chief said he also has the worry of paying off the money he borrowed from a government bank to buy a slightly bigger fishing boat. "It's upside down on the beach now," he said—another kind of war casualty.

"The United States seeks no bases. It seeks no colonial presence . . . It aims simply to help a people and government who are determined to help themselves . . ." (U.S.-Vietnam Declaration of Honolulu, Feb. 8, 1966, on purposes of the war.)

Some 15 miles south of the beach where Mien has left his boat until better times is a group of villages which the Thieu Government is trying to bring back to life even as the war rages farther north.

The impetus is the government's realization that an agricultural country like South Vietnam must get its people back to the countryside to survive, especially now that the Americans and their jobs are leaving.

Kyngoc near the district capital of Hoion south of Danang is one of the villages the government is trying to resuscitate. The farmers there said they were glad to be back

to the land but, like Mr. Mien, could not seem to get away from the war even when there was no shooting in their neighborhood.

"The land is more than we can use," said one of a group of five gratefully in an interview in Kyngoc. "But because of the war it hasn't been worked for five years.

"We don't have any water buffaloes any more so we have to dig the fields with our hands. When you work the land every year it keeps soft. But when you let it go, it gets hard.

"Another thing is these things which keep exploding underground. Five of us have died here already from these things. The M–79 grenade is one of the things we keep running into out there in the fields."

Even so, the farmers said they planned to stick it out in Kyngoc if they could get a pump big enough to water their crops. "If we don't get water by mid-May, we won't be able to get our crop in and will have to leave here."

These farmers fearful of losing their land again to the war and its legacy of shortages expressed the same sense of urgency when they talked of other needs:

"We're having a big problem with worms. And we need fertilizer and seeds. But we don't have enough money to buy what we need. We have no capital.

"Things are so tight here," another farmer said, "that we have to worry about the birds eating the rice. We didn't used to worry about that because there was so much rice. But now with so little rice, there are too many birds."

A lady with one leg—even in the sparsely populated countryside of Vietnam it seems impossible to lose sight of people who have lost arms or legs from the shelling and bombing—shouted across the lane from her house to complain that "sixty families haven't got their money yet." The Saigon government pays villagers who move back to the land under the Return to Village program.

The war in the countryside the Americans are leaving behind them has a different face in another Return to Village effort in a place called Xuyentan, also near Hoian. The spirit of accommodation expressed by some regional force soldiers guarding Xuyentan contrasted with the no-coalition stance of the Thieu government.

"We see them," said a trooper of Vietcong soldiers he has seen while out in Xuyentan ambush positions. "If they don't shoot at us, we don't shoot at them. If we do shoot at them, they'll just shoot a B–40 rocket back at us. Then boom." He threw up his hands in a sure death gesture.

A middle-aged father weaving a basket in the doorway of a small home in Xuyentan was playing it safe in another way. He said three of his children stay with him in the village so the family can collect government Return to Village benefits while his wife and other four children hedge the bet by staying in Hoian where they can keep selling things in the market.

Another farmer complained of the hemmed-in feeling in Xuyentan where militia protection from enemy soldiers goes only a short distance from the village itself.

"We don't have enough land here, and I can't get to the fields that aren't being used by somebody else. I can't go anywhere. Back in Hoakhanh I could go anywhere in any direction. I could go into Danang if I wanted to."

The Vietcong have recently demonstrated their presence by blowing up the village office in Xuyentan. The village chief himself does not risk sleeping in his village, according to the soldiers assigned to guard it. "I've never seen him after 5 o'clock," said one. "He goes into town (Hoian) to sleep."

Phuloc, another Return to Village endeavor, proved a happier leadership story. The village is on low-lying Gonoi island and has broad fields of blue-green grass. Its chief lives right with his villagers day and night—in fact in the house on the end of the line and thus vulnerable to attack.

Before the current North Vietnamese offensive, the village of Phuloc had indeed come to life and was prospering. The people had not built high dirt foundations under their houses—a sign of commitment to stay put for good. But the population had stabilized at 1,400 people.

Again, how Phuloc fares from now on will depend on how well the Thieu government manages to walk the tightrope between all-out peace and all-out war—somehow keeping the invaders at bay while coping with people problems.

In fairness, it must be stressed that the northern section of South Vietnam has some of the most severe problems. In the more pacified Delta to the South, by contrast, many farmers are doing better than they ever have with tractors and mechanized pumps replacing hand labor.

Also, the fact that the Thieu government has embarked on a Return to Village program and so far has managed to feed the thousands of refugees pushed out of their homes by the North Vietnamese invaders represents responsiveness to people needs in th middle of a war.

Pham Kim Ngoc, President Thieu's minister of economy, said in an interview on April 29 in the midst of Hanoi's offensive that his government recognizes that it must strive for normalcy in the country amid war.

"The enemy wants to test the efficiency of the government—to demoralize the government," Ngoc said of Hanoi's offensive. "We must be careful of overreacting (to the offensive) and not to try to run everything." Otherwise, he said, "we will be ministers of everything and ministers of nothing."

The experience of the fishermen and the farmers indicates how difficult it is to compartmentalize the war—especially now that both warring sides have modern U.S. and Soviet weapons with vast killing power, like long range artillery.

And since everything from mortars to bombs are available, a few armed infiltrators can damage a village heavily on their own or, even worse, for the people in it, stay long enough to draw in tons of artillery and bombs from the contesting armies.

A U.S. report on the attempt to resettle Phuloc 6 near Hoian gives a measure of this problem:

"From a December, 1970, high of 2,000 optimistic people" Phuloc 6 "has now sunk to a virtually abandoned ruin of homes. It began existence in January, 1970, with confused refugees generated from the surrounding village of Duyxyen, and grew from a group of hovels made of ammunition boxes to a pleasant hamlet of wooden houses with wells, optimism and land.

"The zenith was reached in December, 1970, when final resettlement payment was made to the site in an atmosphere of optimism hardly reminiscent of earlier difficult months.

"Several incidents against the site before December by the Vietcong, including a serious lob bomb attack, did not dissuade these people.

"After resettlement payments were made, however, the Vietcong increased their harassment, culminating in a serious mortar attack the last of February (1971), destroying 50 homes, and along with them, the resistance of the people.

"Phuloc 6 is now a deserted ruin of houses despite a noble attempt by the Government of Vietnam to assist these people in becoming established and recovering from their many setbacks."

Mr. TAFT. Mr. President, I take this occasion to explain my reasons for opposing the amendment of the Senator from West Virginia (Mr. BYRD) offered to sections 701—the Case-Church amendment.

The objectives which we all share are peace in Southeast Asia and a complete withdrawal of American forces. The present U.S. initiative and offer of cease-fire terms provide a strong basis before President Nixon's trip to Moscow and give hope of a negotiated solution of the war conditioned only on an internationally supervised cease-fire and return of our prisoners. To tie his hands at this time by enacting the provisions of the Case-Church amendment, whether or not amended by the Byrd amendment, would indicate a lack of confidence in his leadership. This could not be helpful to bring about a negotiated solution of the war. The Byrd version would merely confuse the issue by cutting off authority to respond to breach of a cease-fire agreement.

If the Byrd amendment is defeated, it would be my hope that the Senate will not proceed to approve the provisions of sections 701. The President will then be able to go to Moscow with the support of a great preponderance of Americans in seeking international responsibility for terminating the flow of arms into Southeast Asia.

This is the only step likely to bring about a scaling down and eventual termination of hostilities, even if a negotiated peace is not arrived at. This approach would permit a continuation of U.S. withdrawal not merely of land forces, but also air and sea forces in the current hostilities.

Mr. BROOKE. Mr. President, I oppose the amendment submitted by the distinguished junior Senator from West Virginia (Mr. BYRD).

The amendment would add to the modified Church-Case amendment the words "internationally supervised cease-fire" as a further condition which must be met prior to our withdrawal from Indochina.

Last week, the President of the United States went on nationwide television to announce his new military actions and also to propose a new peace offer. For the first time, he offered to withdraw American forces from Indochina conditional upon the release of our prisoners of war and an internationally supervised ceasefire.

The President's offer was a new offer and attached fewer conditions than any previous peace proposal advanced by the United States Government. For the first time, as I noted in my speech last week, there was no mention of political conditions previously obtaining to a settlement, no requirement for free and democratic elections, no international organization and supervision of elections, and no outside body determining the qualifications of the candidates.

The offer was, indeed, a step forward.

But, Mr. President, for a long time, I have been urging that the United States set a firm deadline for withdrawal, conditional only upon an agreement for the release of our prisoners of war. An agreement to release the prisoners is an essential condition, and we have a right to expect the North Vietnamese and their allies will meet it in exchange for the

withdrawal of American forces from Indochina.

I do not believe, however, that any other conditions should be set for the withdrawal of our troops.

It is not up to us to determine that the North Vietnamese, the South Vietnamese, and the Vietcong should cease military hostilities, any more than it is our right or responsibility to impose a political settlement. The solution to both issues properly lies with the Vietnamese themselves.

I therefore oppose this amendment, which seeks to set an additional condition—an internationally supervised cease-fire—prior to our withdrawal from Vietnam. This is more than we have asked in previous resolutions and amendments, and I urge Senators to reject it.

CONGRESSIONAL RESPONSIBILITY AND THE VIETNAM WAR

Mr. McGOVERN. Mr. President, the Senate once again is faced with a choice between a clear expression that American military involvement in Vietnam should be ended or the war should be allowed to drag on.

Once again, we have the opportunity to restore to the Congress its constitutional powers over questions of war and peace.

Several times in the past 2 years, this body has voted on these matters. Some measures have passed; others have failed.

But the war goes on. The killing goes on. The waste goes on.

The Case-Church amendment is one limited vehicle by which we can express our opposition to the escalation of the war stemming from the mining of North Vietnamese ports. We can let the President know that we intend to exercise the Senate's power of the purse to stop funding for the war since we have learned by bitter experience that Vietnamization is a failure and that the President has no workable plan, if indeed there is any plan at all, for ending the conflict.

As an expression of congressional opposition to continued American military involvement in Vietnam and as a step toward the restoration to Congress of its powers under the Constitution, the Case-Church amendment is not so strong as I would like, but it is worthy of our support. I will vote for it.

It should be noted that the Case-Church amendment does not carry American policy to the point where we can have a real assurance that the other side will release our prisoners. I would prefer that we first set the date for American withdrawal from Vietnam. Prisoners of war are not returned until after a conflict and we cannot entertain any reasonable expectation that the other side will release our prisoners until we set a definite and complete withdrawal. While the Case-Church amendment does not require the return of prisoners before the withdrawal date is set, it does ask the other side to come to an agreement on their release before that date is announced.

In addition, the Case-Church amendment allows for continued military assistance to the Thieu regime. This act alone could cause the war to be extended, since the other side insists that we halt aid to this regime, which does not even enjoy the support of the Vietnamese people, before it will repatriate our prisoners. Continued military aid to General Thieu can only serve to keep alive the myth that Vietnamization is working and to prop up this unpopular and dictatorial man.

I must oppose the Byrd amendment since it attaches still another condition to the Case-Church amendment. The cease-fire which would allow for the safe withdrawal of our forces from Vietnam will come when we set the date for complete withdrawal. The other side would have no interest in impeding the withdrawal of harassing our troops if it had the certainty that the United States was withdrawing from the conflict. On the other hand, it has no incentive to agree to a cease-fire simply because it has been promised that a date will be set subsequently.

Mr. President, it is belaboring the obvious to state that the time has come for American withdrawal from Vietnam. It should be clear to all that no matter how long we were to stay there, we could not determine the course of events after our departure. Surely, we have done enough for Vietnam in terms of human life and national treasure. Now we should turn from the destruction of Indochina to the healing of our own land.

Mr. MUSKIE. Mr. President, I support the Case-Church amendment, as modified by the 4-month withdrawal deadline, because of the vital need to end American involvement in Indochina as soon as is humanly possible.

I have for some time urged a simple, straightforward proposal to accomplish this end: termination of all U.S. military activities in Indochina by a date certain in exchange for an agreement to return our prisoners and to guarantee the safety of our withdrawing troops. I do not suggest other conditions because I do not think we should try to determine, as an outside power, the political terms of a settlement that can only be decided by the Vietnamese people themselves.

The Byrd amendment proposes to add an internationally supervised cease-fire as a condition for our withdrawal. With all the killing and bloodshed suffered by the Vietnamese people over too many years, an effective cease-fire must certainly be an urgent priority for all those concerned with bringing peace to that tragic land. But I do not believe our continued involvement in the war increases the chances for such a cease-fire. On the contrary, our continued involvement means more bombing, more destruction, and greater loss of human life. It also means increased dangers of a major confrontation with the Soviet Union and China.

I endorse a cease-fire as an important goal—but I must oppose it as a condition of our withdrawal. A cease-fire can only be achieved when both sides want it. A properly supervised cease-fire might require long and difficult negotiations. And it is doubtful that a cease-fire will be reached at all until there is a resolution of the fundamental disagreement concerning the makeup of the government of Saigon.

To insist on such a cease-fire as a precondition of our withdrawal, therefore, is to involve ourselves in the political struggles of the Vietnamese people. We must have the courage to turn away from that struggle and to focus on the need to terminate our own involvement and to bring our prisoners and troops home.

For these reasons I will vote against the Byrd amendment today.

Mr. SPONG. Mr. President, I will support the Byrd amendment to the Case-Church amendment. This is consistent with the position which I took on the Mansfield amendment. Our Nation has been involved in hostilities in Vietnam for over a decade. Our presence there has contributed to those hostilities. It would be rather irresponsible for us to leave without trying to bring about a cease-fire, without attempting to end the hostilities in which so many are dying and where so much destruction is taking place. It is, I believe, conceivable that the time may come when we will have to abandon our hope for a cease-fire but I do not believe that time is upon us now. I am prepared to support the Case-Church amendment.

The PRESIDING OFFICER. Who yields time?

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. 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.

Mr. SCOTT. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

One minute remains before the vote.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what is the calendar for the remainder of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, when we are through with the pending amendment, we would like with the permission of the Senate—and that will call for a unanimous-consent request—to consider the possibility of proceeding to the consideration of Calendar No. 755, S. 3543, a bill to amend the Atomic Energy Act of 1954, which has been on the calendar for 3 or 4 days and on which, I understand, a time limitation has been agreed to and which, I understand further, is very important in consideration of a possible power shortage or energy shortage which may be forthcoming this summer.

Whether we can do that, of course, will be up to the Senate. We are going to

make some explorations along that line. If we can do that this afternoon, it is the intention to go over until Friday next.

Mr. SCOTT. It will be, I understand, largely a pro forma session, so far as we know now.

Mr. MANSFIELD. So far as I now know, but someone could offer an amendment or put in a live quorum call and upset everything we may conjecture at this moment.

Mr. SCOTT. Mr. President, later, I will offer for the record a resolution of the Republican Policy Committee asking the joint leadership to list the Kleindienst nomination at the earliest possible time.

I serve notice now that sometime next week the resolution is likely to be made to take the nomination off the calendar for debate by the Senate.

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.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. HANSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, and the hour of 2 p.m. having arrived, the Senate will now proceed to vote on amendment No. 1187 of the Senator from West Virginia (Mr. ROBERT C. BYRD), as modified.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. TALMADGE), and the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

On this vote, the Senator from Hawaii (Mr. INOUYE) is paired with the Senator from Alaska (Mr. STEVENS).

If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Alaska would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is necessarily absent.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from HAWAII (Mr. INOUYE). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Hawaii would vote "nay."

The result was announced—yeas 47, nays 43, as follows:

[No. 180 Leg.]

YEAS—47

Aiken	Cannon	Long
Allen	Cooper	McGee
Allott	Cotton	Miller
Anderson	Curtis	Packwood
Baker	Dole	Pearson
Beall	Dominick	Roth
Bellmon	Fannin	Saxbe
Bennett	Fong	Scott
Bentsen	Goldwater	Smith
Bible	Griffin	Sparkman
Boggs	Gurney	Spong
Brock	Hansen	Stafford
Buckley	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Thurmond
Byrd, Robert C.	Jackson	Tower
	Jordan, Idaho	Young

NAYS—43

Bayh	Hughes	Pastore
Brooke	Humphrey	Pell
Burdick	Javits	Percy
Case	Kennedy	Proxmire
Chiles	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cook	Mathias	Schweiker
Cranston	McGovern	Stevenson
Eagleton	McIntyre	Symington
Fulbright	Metcalf	Taft
Gravel	Mondale	Tunney
Harris	Montoya	Weicker
Hart	Moss	Williams
Hartke	Muskie	
Hatfield	Nelson	

NOT VOTING—10

Eastland	Inouye	Stevens
Ellender	Jordan, N.C.	Talmadge
Ervin	McClellan	
Gambrell	Mundt	

So Mr. ROBERT C. BYRD's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, no one has supported President Nixon's peace proposals more strongly than I. I believe that his latest peace proposal—offering a total U.S. withdrawal from Vietnam 4 months after establishment of an internationally supervised cease-fire and return of prisoners—is reasonable, fair, and in the best interests of all parties to the conflict.

For this reason I had no deep opposition to the Byrd amendment which would incorporate in Case-Church another feature of the President's peace proposal. However, I preferred the Case-Church language which would end U.S. involvement in Vietnam much more quickly, and not require lengthy negotiations on the terms of a cease-fire or place the fate of our decision to end our involvement in the war in the hands of a third nation.

I do not question the President's sincerity or his determination to end the war in his own way. Similarly the Senate has a right to press for an end to the war. We shall not always agree on the best way to effect this. But those of us in the Senate who seek to end U.S. military involvement in Vietnam are also sincere and determined. Just as the President feels his responsibility to pursue his own policy, so do we feel a responsibility to do what we think is right and to share the responsibility with the President to end our involvement in the war.

At this juncture, I have no reason to change my consistent position since even before my election to the Senate in 1966 of opposition to the U.S. military involvement in Vietnam. This tragic war does not serve our national interest. It is not necessary to the security of the United States. Indeed, it drains our Nation economically, politically, and even militarily since it reduces our ability to act effectively should really vital national interests come under attack elsewhere.

I support the Case-Church amendment which is a responsible initiative to close out the American military role in Indochina, and I would support an amendment to make the actual return of prisoners a precondition to total withdrawal. I would hope that, with this strengthening language, and including now the Byrd amendment, the administration would find it possible to accept the Case-Church amendment, and I am so urging. I will support every responsible measure to end our involvement in this tragic war at the earliest possible time.

PRISONERS OF WAR RETURN IS ESSENTIAL BASIS FOR U.S. DISENGAGEMENT IN VIETNAM

Mr. RANDOLPH. Mr. President, last week I issued a statement in support of the amendment by Senators CASE and CHURCH to cut off all funds for the continuation of the Vietnam conflict—including engagement in land, sea, or air hostilities—4 months after reaching an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action.

At that time, I stressed my belief that Congress should set a date for ending further American participation in the war in Vietnam in exchange for the safe return of all American prisoners of war.

This amendment will receive my support because it prescribes a formula for ending our participation in the Vietnam conflict.

Not only do I believe this to be the best course of action for the United States, but I think the American people strongly favor such action. Polls have indicated that 71 percent of our citizens favor our disengagement from this war in return for the release of American prisoners.

We have fulfilled our commitment to the South Vietnamese. We committed an American Army of half a million men to aid them in defending their country. We trained, armed, and equipped a South Vietnamese army of more than a million men and furnished Saigon with the fourth largest air force in the free world. We have provided them the tools to do the job for themselves. It is time to turn the war back to the Vietnamese.

If Congress fails to set a date certain for the completion of the American withdrawal, past history indicates that Saigon will continue to rely indefinitely on the

United States for its defense. This is a further reason why I believe it is so urgent for the Senate to support the Case-Church amendment.

Mr. President, the amendment to the Case-Church amendment would add an internationally supervised cease-fire as a precondition to the cutting off of funds for further American participation in the war. I opposed this amendment on roll-call today.

While I have supported diplomatic efforts to secure a cease-fire in Indochina, I do not believe that it should be a precondition to our final disengagement from Vietnam. The establishment of a cease-fire involves forces and circumstances which are beyond the control of the United States. Does our Nation wish to require that our disengagement depend on a cease-fire? I do not so believe. However, the amendment which passed, 47 to 43, established such a condition. It does not respond to the many questions involving the nature of a cease-fire—what would be the duration of a cease-fire? What type of cease-fire would it be? A standstill cease-fire, or one requiring the pullback of forces What type of violations would invalidate the cease-fire? These questions are not answered in the amendment. The amendment would establish a condition of disengagement from Vietnam involving the many imponderables involved in a cease-fire.

The Senator from New Jersey (Mr. CASE) and the Senator from Idaho (Mr. CHURCH) have stated:

A ceasefire requirement, if ratified by Congress and adhered to by the President, could give the Saigon Government veto power over American withdrawal and the return of our prisoners. If Saigon is thus given the power to keep Americans fighting its battles, our involvement in the war will never end.

Congressional endorsement of a ceasefire requirement might restrain the President from accepting, or later proposing, an unfettered agreement with the North Vietnamese for the return of all American prisoners in exchange for American withdrawal. We believe that such an agreement would be in our country's best national interest. To make prisoner release contingent on a ceasefire might well be condemning the prisoners to many more years in North Vietnamese jails.

The ceasefire requirement raises the prospect of American troops and airpower remaining indefinitely in South Vietnam, and we find this prospect unacceptable.

Mr. President, how can the United States assure a cease-fire in a situation which is surrounded by so many elements of civil war? The answer is that we cannot control such forces. The international machinery to perform such a task does not exist.

AMENDMENT NO. 1195

Mr. MANSFIELD. Mr. President, I can appreciate what the Senate has sought to do in adopting the amendment offered by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD). The Senate has attempted, once again, to express its hopes for an end to this Nation's involvement in the war in Indochina, for the withdrawal of U.S. forces and the return of the prisoners of war and the recoverable missing in action. That is all that it has done. Let us not make any mistake on that score. And the question arises: Do we really need another expression of these sentiments? Is there anyone left in the Senate who at this late date does not believe the Nation would be far better off if we could get out of the war and get back the prisoners and missing? Do we need to say it again in legislation? Do we not need far more legislation which says that the Senate will help by its actions to bring these hopes to fruition?

It is late, very late, for another expression of the Senate's distaste for the war in Vietnam. What the Senate ought to try to do, it seems to me, and try again and again to do, is to restore to this Government the determinations to end this Nation's involvement in that war.

For that reason, I intend, in a moment, to send to the desk another amendment. As does the one just passed, this amendment, too, will require the release of all POW's and recoverable MIA's as a condition for our complete withdrawal from the hostilities in and over Indochina. At that point however, the amendment will part company with what the Senate has just enacted. It will place no conditions on the continuation of the removal of U.S. ground forces from South Vietnam; in fact it will require their total extrication by August 31, 1972. It will require an agreement for the return of all POW's and recoverable MIA's and a cease-fire only—and I repeat the word "only"—between U.S. forces and those arrayed against our forces—that is, the National Liberation Front and its allies—as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina. It will not require a cease-fire for the protection of a military government in Saigon which by this late date, after years of our involvement, tens of billions of dollars of U.S. aid, tens of thousands of U.S. lives, ought to be prepared to defend itself. If it is not, I can only say there are other matters closer to home—as witness what transpired yesterday in Laurel, Md.—to occupy this Nation's anxieties and energies.

In short, Mr. President, the way to end the tragic, mistaken involvement of the United States in the Indochina war is not to hope for it, but to end it. Period. With all due respect, it seems to me that it is high time to put up or shut up on the issue of fund cutoff, withdrawal, and the return of the POW's and MIA's.

The amendment which the Senate has just passed has expressed our hopes for an end to the war, but on the basis of the same considerations which have failed to end it for many years. We have failed in the past, because the time and the when of ending the involvement have not been retained in the hands of the United States, but have been placed in the hands of the Saigon government. In short, the amendment just passed by the Senate would hook us, by law, as present policy already does, to the whims and wishes of that government. That is what needs changing.

The amendment which I now send to the desk and ask to be read and which will be called up immediately after the disposition of the pending Case-Church perfecting amendment, would place the decision and the responsibility for U.S. withdrawal from the war exclusively where it belongs, in the hands of those who are elected to represent the people of the United States. It is time to make very clear—as this amendment would do—that this Nation and this Nation alone, not Saigon, will determine when and in what circumstances we will get out of Vietnam, lock, stock, and barrel.

Mr. President, I send the amendment to the desk.

Mr. SCOTT. Mr. President, would the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT. Does the Senator's amendment involve a provision of an agreement by Hanoi to return the prisoners of war, or does it hinge on the actual release of the prisoners of war and missing in action?

Mr. MANSFIELD. It hinges on an agreement for the release of the POW's and MIA's.

Mr. SCOTT. I thank the Senator.

Mr. MANSFIELD. By agreement.

Mr. SCOTT. I thank the distinguished majority leader and I shall seek recognition after the clerk has read the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Does the Senator offer this amendment as a perfecting amendment to the business before the Senate? What is the pending business before the Senate at the moment?

Mr. MANSFIELD. Will the Chair state it?

The PRESIDING OFFICER (Mr. HANSEN). The pending business is the amendment by the Senator from Idaho as amended.

Mr. MANSFIELD. The so-called Case-Church perfecting amendment?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. And it would be the intention of the Senator from Montana, who has sent the amendment to the desk, to call it up immediately after the disposition of the pending Case-Church perfecting amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. It is my understanding that the distinguished Senator from Mississippi (Mr. STENNIS) has a motion to strike the Case-Church amendment as modified by the Byrd amendment. My question is related to the sequence of votes.

Will the next vote come on the motion to strike, and if not, what then does the next vote come on?

The PRESIDING OFFICER. If no one offers another amendment to the Senator's amendment, the next vote will come on the Senator's amendment as amended.

Mr. CHURCH. As amended. Therefore, may I inquire of the Senator from Mis-

sissippi if it is his intention to press his motion to strike?

Mr. STENNIS. It would depend on the outcome of the vote. We would have to see what form the amendment is in the bill before I could comment on my motion to strike.

Mr. CHURCH. The Senate just modified the Case-Church amendment by adopting the Byrd amendment, and so the Senator is on notice now of the nature of the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield, it is subject to further modification, as the Senator from Mississippi understands the rule. Before the amendment was adopted as an amendment, the subject in the bill would be subject to further amendment before the motion of the Senator from Mississippi to strike would be up.

Mr. CHURCH. In light of the decision the Senate has just made, adding the precondition of an internationally supervised cease-fire to that of an agreement on the release of American prisoners of war, before withdrawing all our forces from Indochina, the Senator from Idaho could no longer support the Case-Church proposition as modified. I would, therefore, be willing—and I believe other Senators would be willing—to join the Senator from Mississippi in his motion to strike. I want to put him on notice of that, and I hope we can come to a vote on it this afternoon. Then, perhaps, we can take up the proposition of the Senator from Montana.

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

Mr. MANSFIELD. Yes. Then I shall ask to have the amendment read.

Mr. PASTORE. Will the Senator explain why he is not offering the amendment as a substitute?

Mr. MANSFIELD. Well, I think this is the only way to do it. My amendment cannot be offered as a substitute until the Case-Church perfecting amendment as amended by the Byrd amendment has been disposed of under the rules of the Senate.

Mr. PASTORE. I should think, if it is the intent to make the Senator from Montana's amendment override the pending question, it should be offered as a substitute.

Mr. MANSFIELD. I agree with the Senator, and as soon as it is eligible under the rules to offer the amendment in that manner, I shall do so.

I ask that the amendment be read.

The PRESIDING OFFICER. The amendment of the Senator from Montana will be read.

The assistant legislative clerk read the amendment as follows:

On page 38, line 3, strike out all after the word "any" down through line 12 and insert: "provision of this or any other Act (a) all U.S. military forces, including combat and support forces stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than August 31, 1972. No funds shall be authorized, appropriated or used for the purpose of maintaining any U.S. military forces, including combat and support forces in South Vietnam after August 31, 1972.

"(b) The involvement of U.S. military forces, land, sea or air for the purpose of maintaining, supporting or engaging in hostilities in or over Indochina shall terminate after an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war held by the Government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

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

Mr. MANSFIELD. I yield.

Mr. COTTON. After listening to the reading of the Senator's amendment, it seems to the Senator from New Hampshire that it provides that these steps be taken upon the agreement of North Vietnam to return the prisoners. I wanted to make sure what the Senator's own interpretation was, because to this Senator it is an all-important matter whether we are going to get the prisoners back before we withdraw or whether we are going to depend on somebody else's promise or whim.

Mr. MANSFIELD. The Senator's interpretation is correct—it would depend upon performance, not agreement. Under this amendment, the participation of U.S. forces in the naval and air war in Indochina would not terminate until an agreement was reached and of course that agreement was not violated.

Mr. COTTON. That we get our prisoners back before we withdraw?

Mr. MANSFIELD. Yes. Withdraw from the participation totally in the hostilities in Indochina. Under part (a), the ground forces would be withdrawn without condition from South Vietnam in any case.

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

Mr. MANSFIELD. I yield.

Mr. BROOKE. I filed a perfecting amendment to the Case-Church amendment some time ago which set August 31, 1972, as the date for withdrawal. This is the first I have heard of the distinguished majority leader's amendment, and I do not know how it differs from the amendment which I have already filed and which I had intended to call up before the vote on the Church-Case amendment. Now it is my understanding that the majority leader intends to call up his amendment after the Case-Church amendment has been acted upon. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. BROOKE. Mr. President, a parliamentary inquiry, if I may.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROOKE. Is my amendment at the desk now in order to be called up at this time?

The PRESIDING OFFICER. It is.

Mr. MILLER. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. If the Senator will make it brief. I have a commitment I would like to keep.

Mr. MILLER. The Senator from Iowa wants to make it brief, but he wants to clarify the meaning and intention behind the Senator's amendment by asking this question: Suppose an agreement is reached, let us say an agreement in writing, but 15 days before the terminal date for all appropriations and U.S. forces there, the agreement is breached and no prisoners have been exchanged. What would be the result under the Senator's amendment?

Mr. MANSFIELD. Unfortunately, the war continues under those circumstances, and the participation of U.S. forces in the air and by sea would not be affected by this amendment.

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

Mr. MANSFIELD. I yield.

Mr. DOLE. I read the Senator's amendment hurriedly, but it appears to the Senator from Kansas that provision (a) conflicts with (b), because the first provision involves a fund cutoff. The second provision deals with contingencies that may require a continuation. How can we cut off funds if there is no agreement by August 31?

Mr. MANSFIELD. I see no conflict between them. I think they fit in on the basis of the whole amendment as read.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield to me—I know he is pressed for time—I understand he has no intention of having any more votes today and that some other Senator will make a motion to take up other matters. Is that correct, so that Senators may know?

Mr. MANSFIELD. I do not know whether that is correct or not. That is a possibility. We will have to wait to see what the Senate decides to do.

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

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCOTT. Mr. President, I asked for the floor. I have told the distinguished majority leader what I am going to say. The minority leader has to rise very reluctantly in opposition to this amendment—reluctantly because I hate to disagree with my good friend, and I regret that he is unable to remain during the brief remarks I am going to make here. I expect to make others later. But it seems to me that while the amendment does have the good effect of saying that we do not rely on Hanoi's word and that we do not act before the actual release of prisoners of war, the actual effect of it is that the amendment is meaningless, because unless and until Hanoi releases the prisoners, it does not begin to go into effect. On the other hand, if Hanoi does release the prisoners of war and if we get an internationally supervised cease-fire, the President's plan goes into effect anyway.

Mr. STENNIS. Mr. President, may we have order? We need to hear the discussion on this matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. The amendment has a still greater flaw to us compassionate

Americans of all parties. The great flaw is that the amendment says that in the event there is a cease-fire between the forces of Hanoi and the forces of the Vietcong on the one hand and the forces of the United States on the other, we will get out on a certain date.

Well, the internationally supervised cease-fire which the Senate has already gone on record as favoring applies to the entire area and to all Armed Forces engaged, and is correctly described as a "stop the killing" amendment. But, unfortunately, the Mansfield amendment is not a "stop the killing" amendment. It is an intent to stop the killing of Americans only, leaving brother free to kill brother, leaving the North Vietnamese free to kill the South Vietnamese forces, leaving the North Vietnamese free to kill the Koreans, our allies, and it says in effect the only people whose lives we are concerned with are the lives of Americans.

As to the lives of these people for whom we have——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania will suspend until order is restored.

The Senator may proceed.

Mr. SCOTT. And as to the rights of all the other people for whom we have expressed compassion upon compassion, Pelion high on Ossa piled over the years, all those people can take their chances, because the United States will have said to a shocked and startled world, "All we ever did really care about was getting our hides saved," and all of the pretensions of previous administrations, with their half-million men in Vietnam for the purpose of protecting others than ourselves, our allies, is now ruled to have been meaningless, and the deaths of our own men which have occurred are now found to have been meaningless.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. And all of this is to be erased, because the Senate, enraptured with its own power—and I share some of that rapture, having voted for the war powers amendment—determined to have a part in the proceedings relevant to the ending of a war which they favor ending, and determined to be heard, and I can understand and sympathize with that, is busily concocting every sort of amendment designed to go the President one better.

But how can you go one better to the fallen and the orphaned? Release the prisoners of war, which the Mansfield amendment agrees with. Get out in 4 months, which the Mansfield amendment substantially agrees with. An internationally supervised cease-fire, which the Byrd amendment substantially agrees with, and it has been adopted as the pet of the Senate. What is there left?

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order? The Senator from Pennsylvania may proceed.

Mr. SCOTT. What is left then is the President's proposal, or in substitution for the President's proposal an attempt to strike out what the Senate has just agreed to, the internationally supervised cease-fire, and substitute instead a provision that the killing can end for some, but the killing continues for others, that the concern of the United States, the compassion of the United States, the moral commitment of the United States, the obligation of the United States, the feeling of the United States for its allies and for humankind generally, has been abrogated, repealed, and abolished, and we will skitter and scutter and scramble to leave those people to welter and to die in their own blood.

I do not think that is an answer. I think the President's proposal is the most generous that could be offered. I cannot blame Senators for wanting to think up some better deal. I merely submit they have not thought it up.

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

Mr. SCOTT. I am glad to yield.

Mr. DOLE. Mr. President, I point out to the distinguished majority leader that if he will read his amendment carefully, the first provision of the Mansfield amendment says that all funds shall be cut off on August 31, 1972, and all American troops withdrawn.

Then, we go to subparagraph (b), it says our involvement shall terminate upon the happening of certain conditions. So I say the two provisions are in direct conflict with one another. Unless there is a release of the prisoners prior to August 31, or unless the other prerequisite conditions are met prior to August 31, the funds are cut off, regardless. So I say there is a basic conflict.

In addition, I share the view expressed by the distinguished minority leader that this is far reaching, and there is no safeguard, not only for Americans but also for the others mentioned by the distinguished minority leader.

Mr. SCOTT. I thank the Senator from Kansas. There does seem to be confusion in the ostensibly contradictory aspect of these two provisions of the amendment.

But I must say now and will say later again, before the amendment can be voted on, "Reflect, consider, and wonder if you know not what you do," because I have now seen the amendment. There seems to be a clear conflict between the absolute, unconditional withdrawal of of troops on August 31, 1972, in the first paragraph, and the conditioning of the withdrawal of troops and the agreement for a cease-fire between the United States and the National Liberation Front and those allied with the National Liberation Front on the other.

I do not know why the amendment should not identfy the North Vietnamese.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. ROTH). The Senate will be in order.

Mr. SCOTT. This amendment, I regret to say, is couched in language used normally in Hanoi, because the amendment says, in referring to the cease-fire, "a verified cease-fire," without saying how it shall be verified, or whether it shall be internationally supervised, or not, or who shall verify it other than Hanoi. It says: "For a verified cease-fire between United States forces and the National Liberation Front and those allied with the National Liberation Front."

Then later it goes on to refer to the prisoners of war held by the Government of North Vietnam. Why not refer to the enemy by its own name, the Government of North Vietnam? Not just the Vietcong, not just the National Liberation Front, but the invading army of North Vietnam, which for the first time, so far as I recall offhand, since the days when the Spartans left their country wholly and moved on Athens their entire armed forces committed to warfare in another country, for the first time since the Spartans took their destiny in their hands, a nation has tried it again.

I think we ought to use language which identifies the enemy. The enemy is North Vietnam and its allies, not the National Liberation Front and its allies. That is the term used by Hanoi; it is the term used only by them, so I would like to use our language. There is nothing wrong with English.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, and will the conversations going on in the rear cease? Will the Chair request that they cease?

The PRESIDING OFFICER (Mr. ROTH). The Senator from Pennsylvania is making a very important statement. He is entitled to be heard by other Senators. It is requested that Senators who are engaged in conversation either withdraw from the Chamber or cease speaking.

Mr. SCOTT. Mr. President, I have never named any Senators by name before. I would, however, suggest that if Senators are so bored with what I have to say and so disinterested in what constitutes an end to the killing amendment, they retire to the cloakroom.

Mr. ROBERT C. BYRD. Mr. President, may I say that no Senator was involved in the conversations to which I refer.

Mr. SCOTT. Mr. President, I would say that Senators are involved in the conversation to which I referred, and I saw them; and my eyes do not deceive me.

I have no desire that I be listened to with auris erectis, as the Romans said—and that does not have any wrong connotation; it means with erect ears. I am not asking that they bate their breath. I am asking only that they either listen or go somewhere else, because what I am saying seems important to me. I believe it is important to the country and to the fate of this amendment.

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

Mr. SCOTT. I am glad to yield.

Mr. FULBRIGHT. I have been listening, I think, with bated breath.

Mr. SCOTT. I do not know what the Senator bates his breath with.

Mr. FULBRIGHT. I am wondering whether the Senator will ever get to the point of saying anything worth listening to. I have been waiting here for 20 minutes. If he ever gets to the point, I shall be delighted.

Mr. SCOTT. If, in the opinion of the Senator from Arkansas and certain titil-

lated persons in the gallery, I am not saying anything worthwhile, I will say to him that I have no hope of ever saying anything whatever that will change his mind, or anything that the Senator from Arkansas would rate as important to his preconceived opinion. I am certain that the Senator from Arkansas is the repository of considerable wisdom accumulated over the years. It is not my wisdom; it is not wisdom I share. But I would like to have a little bit of time to state my views. What I am saying, I believe, makes sense. I believe it is substantive, and I will repeat it and repeat it only once that is, that this amendment is not the compassionate amendment which the compassionate, distinguished, and beloved majority leader would certainly want his amendments to be.

[Disturbance in the visitors' galleries.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Persons in the galleries will please refrain from any demonstration. The Sergeant at Arms will please clear the galleries.

Mr. SCOTT. Mr. President, the demonstration in the gallery is like the demonstrations in the country: When compared to the total number of persons present at any given place, they are minimal; objectionable, yes; arrogant, yes; uninformed, yes—but minimal.

Mr. President, I have not been around here 30 years to be intimidated by any such interruptions. I think they are typical of people who can be aroused easily by certain kinds of oratory. I think they are typical of people who can be agitated by what seem to be ever so reasonable approaches.

[Disturbance in the visitors' galleries.]

Mr. SCOTT. To have them shout their inanities is not, to my mind, of great importance. They are guests of the Senate and guests of the people of the United States. I hope that they will so regard themselves.

Mr. President, at this time I have made a preliminary point and, therefore, I hope that the Senate will say by its decision that it favors an end-the-killing amendment, that it favors an internationally supervised cease-fire, a proposal advocated many times, over many years, by many Senators who are now not in agreement with the view of the Senate.

I propose that we consider at some length—and very carefully—the import of this amendment, because it says to the North Vietnamese and the South Vietnamese, it says to our allies, and it says to the world: "We are not concerned about killing. We are only concerned about the killing of Americans." I do not believe that this is what the Senate of the United States wants to send out to the people of this country or of the world as its considered opinion.

The PRESIDING OFFICER. The Chair wishes to announce that it is not the intent of the Chair to clear the galleries except for those who were creating the disturbances.

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

Mr. SCOTT. I am glad to yield.

Mr. COTTON. Mr. President, the Senator from New Hampshire recognizes the very important point made by the distinguished minority leader in the way that the enemy is designated—the National Liberation Front; but, in order that the RECORD may be complete, I invite the attention of the distinguished minority leader to this wording:

Shall terminate—

Referring to the hostilities—

after an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war . . .

The word "agreement" appears just once in that sentence. Is it not the opinion of the distinguished Senator from Pennsylvania, the minority leader, that the word "agreement" extends not only to the verified cease-fire but also to the release of all prisoners?

In other words, as it now reads, this resolution only requires as a condition the agreement of the enemy to release our prisoners, not the actual release before we withdraw.

Mr. SCOTT. I thank the distinguished senior Senator from New Hampshire. I have the amendment before me. I am glad that he called my attention to it.

The word "agreement" seems very clearly to modify both of the subsequent clauses, because it reads:

After an agreement—

Note that no punctuation is involved here—

for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war held by the government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action—

I think this indicates that the distinguished majority leader was under some misconception about his own amendment, and doubtless, at the proper time, he will wish to reconsider this clause; because the distinguished majority leader said that the termination date would be effective only after the release of the prisoners of war and identifiable missing in action.

Mr. SYMINGTON. Mr. President, will the Senator yield for a question?

Mr. SCOTT. I will yield in a moment.

The amendment clearly says that it will apply after the agreement.

Mr. SYMINGTON. A parliamentary question. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Idaho, as amended.

Mr. SYMINGTON. Then we are discussing an amendment that is not the pending business. Right?

Mr. SCOTT. We are discussing an amendment to be offered to the amendment which is the pending business.

Mr. SYMINGTON. My understanding is that is not necessarily correct.

A great deal of work is yet to be done; and many other things are scheduled to come up. I hope we can come back to the pending business as soon as possible. This is no criticism in my statement. To me the pending business is mighty important.

Mr. SCOTT. I think the pending business is important, but I am discussing the entire bill, which I am within my parliamentary right to do.

Mr. COTTON. I do not wish to delay this colloquy, but the question has been raised, and I think the record should be made clear.

I agree with the distinguished minority leader that it was clearly the intent of the majority leader that the prisoners of war actually should be released before the termination is triggered, because that is what he said. We all know that he means what he says, and we all have absolute confidence in him.

But the way this resolution reads—and I am glad that we have the opinion of the minority leader—it depends, among other things, on just the agreement to release our prisoners; and that, in view of all the experiences of the past, is completely worthless.

Mr. SCOTT. I agree with the distinguished Senator, and I yield the floor.

AMENDMENT NO. 1199

Mr. BROOKE. Mr. President, I call up my amendment No. 1199 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 38, lines 5 and 6, in lieu of the language to be stricken by Church-Case amendment No. 1186, insert "August 31, 1972,".

Mr. BROOKE. Mr. President, the Church-Case amendment, as modified by my perfecting amendment, would read as follows:

SEC. 701. Notwithstanding any other provisions of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting or engaging United States forces, and, sea, or air, in hostilities in Indochina, *after August 31, 1972,* providing an agreement has been reached for (*an internationally supervised ceasefire and*) the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

This amendment would simply set a deadline of August 31, 1972, for the cessation of hostilities and the withdrawal of all American troops from Indochina. After that date, funds could no longer be expended for the purpose of engaging U.S. land, sea, or air forces in hostilities in or over Indochina.

Mr. President, I have long favored the establishment of a clear and unequivocal deadline for withdrawal of American forces from Indochina. Since the first American advisers were sent to South Vietnam in 1961, over 8 million Americans have served in this war. Over 55,000 Americans have lost their lives there, another 350,000 have been wounded, some of them suffering permanent mental and physical impairment. The war has furthermore cost this country $128 billion—funds which could have been better spent on food, clothing, shelter, and health care for our own and the world's peoples.

Since 1969 we have been on the way out of Vietnam. Only 60,000 American troops remain in that country, of which only 4,000 are combat forces. I applaud this move, and pray that it will continue.

Yet as we have withdrawn our ground forces from Vietnam, we have increased the deployment of air and naval forces in the surrounding areas. We now have approximately 800 combat aircraft and at least 60 naval vessels stationed in Indochina. This is double the number of aircraft and triple the number of ships deployed in that region only 5 months ago. In addition, there are now more air and naval personnel stationed in the vicinity of Vietnam than there are ground troops in Vietnam itself.

Withdrawal has been in one aspect only; elsewhere, we have been escalating the war at a considerable rate.

Yet, we have seen that massive U.S. bombing has not halted the flow of men and supplies across the DMZ or along the Ho Chi Minh Trail into South Vietnam. And U.S. personnel are not present in sufficient numbers or in sufficient combat strength to serve as an effective fighting force against the North Vietnamese.

The American people want this war to end. And they want a return of our prisoners of war.

The way to accomplish these goals is not to send in more planes and ships, and to escalate the bombing, but to withdraw the forces we have there now and cease our hostilities in Indochina, conditional only upon an agreement for the return of our prisoners of war.

I do not believe such an action on our part should wait upon a political settlement or even a military cease-fire. The political situation can be resolved only among the Vietnamese themselves, as the President noted so clearly in his last address to the country. And the condition of a military cease-fire under international supervision, with all the possible violations that implies, is more likely to serve as a condition for remaining in Vietnam than as a condition for withdrawal.

It is my conviction, as it has been for a long time, that what this Nation needs, what the South Vietnamese need, and the vehicle for accomplishing our goal, are one and the same; a deadline for final withdrawal from Vietnam coupled with an agreement for the release of our prisoners of war.

My amendment proposes such a deadline: August 31, 1972. That date is 3½ months removed. It is more than adequate time for our remaining men and materiel to be withdrawn. It is more than adequate time for an agreement to be reached for the release of our prisoners. It is more than adequate warning to our allies that they must, from that time forth, stand or fall by their own efforts.

Mr. President, we have committed more to the defense of South Vietnam than to the defense of Western Europe. Taking into account offset agreements with our NATO allies, we have committed only $70 billion to Western Europe, as compared with $128 billion to South Vietnam. Surely no one can possibly argue that South Vietnam is as vital to our national interests as the nations of Western Europe. Surely no one can argue that we have not committed more than enough to the defense of a nation which is, at best, peripheral to our interests.

On the contrary, in my judgment, it can reasonably be argued that we are jeopardizing our own security interests by continuing to pour men and materiel into this tragic war.

Mr. President, it is long past time to get out of Indochina. My amendment seeks to achieve this long-overdue objective. It would achieve the goal in a shorter period of time than the Church-Case amendment—although in point of fact I support that amendment as well, as a means to our ultimate goal.

I hope that my amendment will be adopted.

QUORUM CALL

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 234) deploring the attempted assassination of Gov. George C. Wallace of Alabama.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I should like to ask the distinguished assistant majority leader a question. Did the Senator get permission to take up the Atomic Energy Act bill?

Mr. ROBERT C. BYRD. May I respond in the following manner: The leadership has sought to see whether it might be possible to take up the atomic energy bill, but there are several Senators who would be opposed at this time to laying the pending question aside and taking up the atomic energy bill, or any other bill, as I understand it.

The leadership would prefer to proceed by unanimous consent to get that done, but unanimous consent would not be possible this afternoon. Of course, it can be done by motion, but it is not the present mood of the leadership on this side to proceed to do that by motion.

I would say, in answer to the able Senator from Arizona, that there will be no action on the atomic energy bill this afternoon.

Mr. GOLDWATER. A further question, if I may. Then the business before the Senate at the present time is the amendment just offered by the Senator from Massachusetts (Mr. BROOKE) to the Case-Church amendment.

Mr. ROBERT C. BYRD. It is the amendment offered by the distinguished Senator from Massachusetts (Mr BROOKE) to the Church-Case amendment.

Mr. GOLDWATER. Do we vote on that today?

Mr. ROBERT C. BYRD. It is quite possible that we might if Senators wish. It depends on whether Senators want to vote. Or, if Senators wish to talk, they have that right.

Mr. BAKER. Mr. President, I am really greatly concerned that we are not going to be able to reach agreement on taking up the AEC bill. As the distinguished assistant majority leader has pointed out on occasion, and as the Senator from Rhode Island and I have also, this is a matter of great importance. It directs itself to the matter of alleviating the power shortage and the possibility of brownouts and blackouts this summer.

I fully understand the deep feelings of some Members of the Senate on this matter and on the pending business and of the necessity for continuing the debate. However, the question of brownouts and blackouts is also of importance.

It appears to me that we are unable to get unanimous consent to take up the AEC bill. If it is impossible to take up that matter this afternoon, I wonder if we might have some inkling as to when it might be possible to take it up.

Mr. ROBERT C. BYRD. Mr. President, I cannot supply the answer to the Senator's inquiry, I regret to say.

Mr. BAKER. I, too, regret that we cannot proceed with this matter. However, it is a very important matter, and it is one that we need to come to grips with very promptly. I serve notice now that, while I will not propound a unanimous-consent request today based on the representation by the legislation that it would be objected to, at some time in the next few days, I feel that either a unanimous-consent request or a motion should be made to take up the OEC matter, even if we have to do it on a two-track basis. This is of first ranking importance. And if we end up with brownouts and blackouts this summer, I think that then we will regret our not having come to grips with this issue.

Mr. FULBRIGHT. Mr. President, with respect to the question that the Senator from Tennessee discussed, I point out that the pending bill—and not the pending issue which is the amendment offered by the Senator from Massachusetts—is the authorization bill for the State Department and other agencies. It is a relatively noncontroversial bill. No one, as far as I know of, intends to delay that question.

With respect to the issue of the Church-Case amendment, we had a vote, and the issue was settled. The Byrd amendment was offered to that and carried by a vote of 47 to 43.

It was my expectation and the expectation of other Senators that we would then proceed to dispose of this issue,

which we could have done if it had not been for the intervention of the majority and minority leaders which was wholly unexpected.

I assumed that we would proceed to consider the motion of the Senator from Mississippi to strike and dispose of that one way or the other. If we could do that today, I think that we could pass the basic legislation, which ought to be done. It concerns the State Department.

No one that I know of questions it. The committee adopted a report on practically the identical legislation. No one objected to it as far as I know. It was reported unanimously.

I do not understand the byplay that developed on the part of the majority leader and the minority leader. I do not understand the situation. I thought we were going to proceed to a decision on whether to strike. If the Senator from Mississippi does not wish to do it, that is all right. That is why we asked about it. Either someone else will do it or no one will do it. We can pass the bill. I would like to get rid of the legislation which is just as urgent as the AEC.

I shall certainly object to laying aside the bill, because it can be disposed of, I think, this afternoon. I know of no objection one way or the other to the amendment of the Senator from Massachusetts. But if we can dispose of the issue involving section 701, then we can take up anything else that is important. However, I do not think we should lay this aside temporarily in this ambivalent manner.

We have the Senators present. We have had notice of a vote. Why can we not decide whether to strike that section? If it is not striken, that is it. Why is that not a reasonable request?

The bill has been pending for 2 weeks, perhaps longer. I do not see any point in laying it aside temporarily. We had 90 Senators here. We are not likely to have more than that.

All the Senators know what this is about. There is no need for more talk. I will not talk more than 5 minutes if we can proceed with the proposal. It is an authorization involving the State Department, the Peace Corps, the USIA, and goodness knows how many other agencies. That is what ought to be done.

Mr. PASTORE. Mr. President, I quite agree with everything the Senator from Arkansas has said. However, I have a great deal of sympathy with what has been said by the Senator from Tennessee. We made that point clear yesterday. I do not think that we need to repeat it now.

A thing that does disturb me is the fact that yesterday we adjourned at 2:30 in the afternoon. We could have taken up the AEC bill at that time. We do not want to interfere with the pending business. We know that the primary concern of the Senate is what do do about Vietnam. I do not think anything ought to disturb that. However, what we are asking is that at some point we take up the AEC bill. This would be no interference, and action is urgent.

We have been told by many utility companies in various areas of the country that there will be brownouts and blackouts this summer. The bill would merely provide temporary, interim authority to grant licenses to some operators under specific circumstances. That is all we are trying to do. We have no interest outside of the interest of the country.

There are going to be intervals when the Senate will pause in its contemplation of the Church-Case amendment.

What we are asking is that at some point, during a hiatus, the Senate give us some time in which to dispose of the AEC bill.

Mr. FULBRIGHT. Mr. President, what does the Senator mean by "hiatus"? I am completely at a loss to know why this matter is thrown in here and we waste time talking about an irrelevant matter. We could have disposed of this whole matter if we had gone ahead with it. I do not know that the speech of the Senator from Pennsylvania had anything to do with the pending business.

I am ready to vote on the motion of the Senator to strike, or I am perfectly willing to accept a 10-minute limitation on the amendment of the Senator from Massachusetts and a 30-minute limitation on the amendment of the Senator from Mississippi.

Mr. BROOKE. Mr. President, I was suprised that the majority leader offered the amendment today. We were all suprised. I did have a perfecting amendment to the Church-Case amendment that I intended to call up.

The amendment of the majority leader, which was intended to come after the Church-Case amendment, is practically the same as my perfecting amendment to the Church-Case amendment. I thought it was important to have the amendment before the Church-Case amendment if we were to perfect that amendment.

I am perfectly willing to lay my amendment aside temporarily and dispose of it later. However, I think that there are other Members of the Senate who are committed to not having any measure taken up prior to the disposition of this matter on Vietnam. That is what I think we are up against. We ought not to fool anyone about it. The question is not over the amendment which I have on the floor. It is not over the Stennis motion to strike. There are simply some Senators who do not want anything to be taken up before we dispose of the pending business.

Mr. FULBRIGHT. Mr. President, the Senator is absolutely right. I am perfectly willing—and I think everyone else is, too—to agree to a short limitation on the Senator's amendment. If the Senator from Massachusetts and the Senator from Mississippi will accept a unanimous-consent request incorporating a short period of time to consider the amendments, I think that we can dispose of the pending business and get it on its way.

Mr. BROOKE. Mr. President, I am perfectly willing to have my amendment voted on at this time. I am not satisfied with the Church-Case amendment as amended by the Byrd amendment. However, I am perfectly satisfied to have a vote on the amendment up or down on the Church-Case amendment as amended by the Byrd amendment and on my perfecting amendment.

Mr. ROBERT C. BYRD. Mr. President, might I make an inquiry?

Mr. President, as I understand it, the pending question before the Senate is the amendment of the Senator from Massachusetts (Mr. BROOKE) to the Church-Case amendment, as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, that is the pending question before the Senate. It has precedence over any other question at this time. Once the amendment by the Senator from Massachusetts is disposed of, then the pending question recurs on the adoption of the amendment—I believe it is No. 1185—by Senators CHURCH and CASE, as amended by the Byrd amendment. That amendment has to be disposed of one way or another before the Senate gets to the question of adopting the amendment by the distinguished Senator from Mississippi to delete all the language in title 7 of the bill. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

I wanted to try to clarify what seems to be a mistaken impression here, namely, that the question, once the amendment of the able Senator from Massachusetts (Mr. BROOKE) is disposed of, would immediately recur on the amendment by the able Senator from Mississippi (Mr. STENNIS) to strike. It would recur instead on the amendment by Senators CASE and CHURCH, as amended. But that amendment, at that point would be open to further perfecting amendments.

Then, the language in the bill, title 7, would be open to perfecting amendments before final disposition of the Case-Church amendment, as amended, and when all of that takes place and is done, finally the question would then occur on the amendment by the Senator from Mississippi (Mr. STENNIS) to strike the title.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

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

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. The last thing under that colloquy is the AEC bill. After we get everything else done we will finally get to the question of whether we are going to have blackouts and brownouts this summer. There is something we can do about it.

I have been in the Senate long enough to know not to rail to a Senator's request. I have been the only one to object on occasion. But I submit there are twin considerations that merit reconsideration of this matter. First, we are in peril of blackouts and brownouts occurring this summer if we do not do something; and second, our time to do something is going to be too late if we do not act in the next few days.

I hate to see the threat of blackouts

or brownouts this summer held hostage to this bill, when we could effectively do something about it. I am not going to propound a unanimous-consent request today. I know the mood of the Senate is not such that it would be granted. I am not going to burden the Senate to take up the matter or go to the two-track system, but I do ask the Senate to be on notice that in the next few days if we cannot reach an agreement I will take whatever steps are available to me as a single Member of the Senate to see that we come to terms with this vitally important matter in order to avoid the threat of blackouts or brownouts this summer.

Mr. ROBERT C. BYRD. Mr. President, the atomic energy bill could be brought up by motion, but I hope it will not come to that. I hope that within the next day or so, or during the next few days, we might be able to reach some understanding with all Senators so that we could leave the pending measure long enough, probably for only a couple of hours, to dispose of the atomic energy bill. But I do not think that is going to be done today.

As I have already indicated, unanimous consent could not be secured today and the leadership is not inclined to proceed by motion at this time.

I now propound a unanimous-consent request with respect to the amendment offered by the Senator from Massachusetts (Mr. BROOKE). There seems to be some inclination to get on with action on that amendment.

I ask unanimous consent that time on the amendment by the Senator from Massachusetts (Mr. BROOKE) be limited to one-half hour to be equally divided between the distinguished mover of the amendment (Mr. BROOKE) and the distinguished Senator from Idaho, Mr. Church—is the Senator in favor of the amendment?

Mr. CHURCH. No.

Mr. ROBERT C. BYRD. So time in opposition thereto would be in charge of the able Senator from Idaho.

Mr. BAKER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. I do not understand it. I thought the Senator from Tennessee wanted to get on with this. I am completely at a loss to know why he objects to disposing of these amendments. I have explained my position. I am more than willing to dispose of this amendment and conclude in a brief time to clear the way for the atomic energy bill. I am at a complete loss to understand why the Senator from Tennessee objects to clearing the way for the AEC bill, which he has said is so important.

Mr. BAKER. There are very few things as important as avoiding blackouts and brownouts this summer. If I cannot proceed with that business by unanimous consent I intend to see that the Senate does not proceed by unanimous consent——

Mr. FULBRIGHT. On any matter. This is a most unusual way to make progress toward the AEC bill that I can imagine. The bill before the Senate has been here for 2 weeks or longer. I think the Senator from Idaho and I, and other Senators, are ready to enter into a unanimous-consent agreement, even shorter than 30 minutes, if other members are willing to dispose of an issue that has been thoroughly debated. I think we can dispose of this today.

Mr. PASTORE. Mr. President, I hope the Senator from Tennessee will reconsider his action. After all, we did have a conference. It was voted in conference we would not postpone consideration of the pending bill because of the importance of the Vietnam situation. I am one who joined with the Senator from Tennessee to expedite the AEC bill that we are discussing this afternoon, and I would like to see it dealt with as soon as we can. I think if we take the position we can dispose of this bill by unanimous consent, we will get to our bill, even by motion at that time, but the leadership is reluctant to ask for unanimous consent to set aside. But after this bill is disposed of if we cannot get to it by unanimous consent at that time a motion will be made to bring it up.

Mr. ROBERT C. BYRD. A motion would be in order to do so.

Mr. BAKER. Mr. President, will the Senator yield for the purpose of making a unanimous-consent request?

Mr. FULBRIGHT. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent to proceed to consideration of the Brooke amendment, as specified, and that we immediately thereafter proceed to consideration of the AEC bill.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I was proposing that we proceed for 5 or 10 minutes—any time—I am ready to vote now on the Brooke amendment. Thereafter, I am willing to enter into a unanimous consent on any other amendment that may be offered. I do not know of any. But the Senator from West Virginia pointed out that Senators can have a limitation of debate and then final disposition of the amendment of the Senator from Mississippi. I think we could do it by 5 o'clock if the Senate is willing to move quickly. I do not know why further debate is necessary. Whatever way it goes on the motion of the Senator from Mississippi, I think the whole bill could be passed.

With respect to the USIA, everything I know of has been disposed of, unless it is technical.

I do not understand why the Senator from Tennessee objects. If it could be agreed to the Senator could get to his AEC bill tomorrow.

Mr. BAKER. What is wrong with the procedure I outlined?

Mr. FULBRIGHT. It is most unusual. This bill has been before the Senate for 2 weeks.

Mr. HUGHES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH. Mr. President, I have listened to the Senator from Tennessee appeal for consideration of the AEC bill.

Mr. PASTORE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHURCH. There are possibilities of brownouts and even blackouts. However, I submit there is something more important than the inconvenience of domestic brownouts or blackouts, and that is the lives of Americans presently engaged in this war in Indochina.

I have no difficulty establishing priorities between the importance of the AEC bill, even though we may inconvenience those who live in suburbia, and the continued war in Indochina.

Our proposal is reasonable; we are not stalling. If anybody is stalling, it is on the Republican side of the aisle, not this side. We are ready to vote now, indeed, to go through that sequence of votes necessary to dispose of the bill. That is all we are asking, a reasonable request, I believe. But cozy arrangements should not be made in the cloakroom to put this process off until Friday, or to bring up other legislation, on the curious grounds that it is more important than the Indochina war.

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

Mr. CHURCH. I yield.

Mr. PASTORE. I think we are getting a little too caustic here. No one is saying that we are trying to bring in the AEC bill to delay in any way the pending legislation. All we are saying is that it is here. I do not think it is as important as life and death in Vietnam. I have never pretended that. It is not that we do not want to do something about Vietnam. I am for disposing of the pending legislation as soon as we can do it. The only argument I make is this: Yesterday afternoon the lights went out in the Senate Chamber at 2:30 in the afternoon. I am asking here, How do we run the Senate? Here we are and we have this important legislation and the Senator says it involves life and death. Yet we go home at 2:30 in the afternoon. That does not make sense to the Senator from Rhode Island. All I am saying is that maybe yesterday afternoon after the lights went out we could have put them on again and taken care of the AEC bill and maybe killed two birds with one stone. That is all I am saying.

Mr. CHURCH. The Senator from Rhode Island and I are not in disagreement.

The American people are waiting for the Senate to act. They are waiting for the Senate to stand up as a body in opposition to this war, to use our power to draw tight the pursestrings.

Mr. PASTORE. I know.

Mr. CHURCH. We can do it now. There is no reason to delay this matter. We do not want the legislation concerning the war to be set aside while we take up other bills. Therefore, I would hope we could proceed to vote. We could get this over with by the end of the day.

Mr. PASTORE. I agree with the Senator 100 percent, but I do resent the fact that it has been suggested that we sneaked in the AEC bill to delay the business pending before us. I am not for that.

Mr. CHURCH. I know that.

Mr. PASTORE. I am willing to dispose of the bill before us even if we have to stay here until midnight. Let us do it.

Mr. CHURCH. That is my proposition. Let us proceed to vote on this amendment and then on any other

amendments that any Senator has to offer.

Mr. TUNNEY. Mr. President, if the Senator will yield, I do not see why we cannot go ahead to the consideration of the Brooke amendment right now. We do not need any time limitation on it. The Senator from Massachusetts has indicated he is presently ready for the vote on his amendment.

Mr. CHURCH. Mr. President, a parliamentary inquiry. Can we not vote if there is no further debate?

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that S. 3526 be set aside until May 31.

Mr. HARRIS. Mr. President, I object.

Mr. CHURCH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, as I said earlier with reference to the Mansfield amendment, which I think is taken care of at least in part by the Brooke amendment, we do provide that there will be no fund cutoff on August 31 or troop withdrawal on August 31 unless there has been some release of prisoners. Is that correct?

Mr. BROOKE. That is correct.

Mr. DOLE. I say that because the amendment offered by the Senator from Montana, the majority leader, provides in subsection (a) what is clearly contradicted in subsection (b), in that it says there shall be a cutoff of funds by August 31, 1972, and a withdrawal of our military forces. That is in subsection (a). There is no proviso and no "if." Section (b) indicates that our involvement ends after certain agreements. In other words, if there is no agreement on prisoners prior to August 31, 1972, and no supervision and no recognition or accounting for American prisoners of war and Americans missing in action by that time, we are finished in any event—because all the funds are cut off, and all the troops are out by August 31, 1972.

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

Mr. DOLE. I yield.

Mr. BROOKE. Is the Senator discussing the Mansfield proposed amendment or the so-called Brooke amendment to the Church-Case amendment?

Mr. DOLE. I am suggesting that the Brooke amendment recognizes—at least there is a proviso in the Brooke amendment that indicates—that unless this is done, the fund cutoff is not effective and the withdrawal is not effective. Is that correct?

Mr. BROOKE. That is correct. The Senator is distinguishing between the Church-Case amendment as amended by the Brooke amendment and the proposed Mansfield amendment?

Mr. DOLE. That is correct.

Mr. BROOKE. Yes.

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

Mr. DOLE. I yield.

Mr. PASTORE. I think there is a serious misunderstanding as to what the Mansfield amendment is all about. This is what the Mansfield amendment does: It cuts off the money for ground troops, 60,000 troops. It cuts that off within 4 months. But insofar as the mining is concerned, that is contingent upon the release of prisoners of war. I hope the Senator will read the amendment.

Mr. DOLE. I hope the Senator from Rhode Island will read the amendment.

Mr. PASTORE. I read the amendment and studied the amendment. That is exactly what it says.

Mr. DOLE. How would the Senator define "support forces?"

Mr. PASTORE. Those are ground forces. As far as bombing and mining are concerned, that is contingent upon release of the prisoners. That is what the amendment says. If the Senator from Kansas does not agree with it, that is one thing, but I do not think we ought to confuse the meaning of it.

Mr. DOLE. The Senator from Kansas does not agree with it. The Senator from Massachusetts makes the distinction. That is the point I was making.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me

Mr. DOLE. I yield.

Mr. FULBRIGHT. Will the Senator agree that if we could eliminate the whole matter that is involved in section 701 of this bill, which does not involve the agencies for which this whole bill authorizes funds, and eliminate this issue from the current issue, it would achieve the purpose, which I guess was his purpose, by asking unanimous consent that the whole bill go over until May 31? That is what I was trying to say a moment ago—that if we could proceed to vote on the pending amendment and the anticipated amendment to strike, whether it be on the motion of the Senator from Mississippi or someone else, we could dispose of this whole issue one way or the other and get this whole bill out of the way.

Does he have any real objections to that, or is it his position that no disposition should be made one way or the other of the matter involved in section 701 I just want his answer for my guidance. I certainly do not want to hold up other legislation, but I am not clear that I understand what are really the implications of either the Senator from Kansas or the Senator from Tennessee. They continue to talk about the Mansfield amendment and other amendments.

Mr. DOLE. The Senator from Arkansas may have noted I was nodding in agreement when he was speaking earlier.

Mr. FULBRIGHT. I thought he was. Is he in agreement with that procedure to dispose of the bill? It is very unfortunate that this bill should be the vehicle for this. I think if it is to be disposed of it should be in another bill.

Mr. DOLE. There are problems, I will say to the Senator, that could be avoided that way. The Senator from Kansas, speaking only for himself, agrees with the Senator from Arkansas that this is the way to proceed.

Mr. FULBRIGHT. Get rid of it.

Mr. DOLE. Get rid of it. Then after the disposition of the Brooke amendment and the Case-Church amendment and the motion of the Senator from Mississippi, we go back to the Mansfield amendment. We do not have to do all that. The distinguished Majority Leader is going to be out of town.

Mr. FULBRIGHT. All of these matters have been discussed at length. Would it be all right to have a very short period of time? I am not sure the Senator from Tennessee would agree. I had in mind a limitation of 30 minutes on all of these matters. Then maybe we could dispose of section 701 altogether. Is there any disposition to move in that manner?

Mr. STENNIS. Mr. President, will the Senator yield to me for a brief statement?

Mr. DOLE. I yield.

Mr. STENNIS. Mr. President, I was asked a question about what would be my disposition with reference to a motion to strike. I am surprised at the extent to which our rules permit extensive and continued amendments to a provision such as section 701, which I propose to strike. I could not make up my mind until I see in final form what it is proposed to strike whether or not it should be stricken.

But, Mr. President, skipping over all of that, I cannot sit here any longer and let it appear through arguments here on the Senate floor that this matter, disposing of the Brooke amendment and then the Church-Case amendment, and then others that might be offered, and then disposing of the motion to strike, could be handled in a matter of minutes. I have something very much on my mind that I have not heard mentioned today, and that is the SALT talks and this trip to the summit that the President of the United States is going to make.

I filed this amendment to strike out section 701 primarily on that basis. I just do not think we ought to be passing any kind of provision here that is going to cut off funds in South Vietnam or anywhere that our troops have been fighting and are still fighting, to a degree, and just say here, by solemn legislative fiat, regardless of everything else, "We are going to say now that we know what the situation will be 3 or 4 months from now, and stop the funds," especially when the President is on his way to the other side of the world to sit down at what could be the most important conference that has been held since the end of World War II.

Those are deliberate words on my part. I am just not willing to do it. And I am not willing for the Senate to vote on that matter until it has been thoroughly considered and might be better understood.

I have not had any chance to argue this matter since my motion was filed except to come over here, and very little chance of that, and talk to empty seats. There have been other amendments which I respect very much, which took preference over it. So I tried to keep quiet in a fairly decent way.

But I want this matter fully discussed pro and con, not only by myself but by everyone else who has a positive opinion on the subject, for my position or against it. I think this is the most important matter we will have before us this year, what the Senate is going to do just on the eve of the SALT talks.

I am looking beyond a war that is not in a good situation over yonder, but it has been going on for a long time. I want it to stop, with everyone else. But other things are happening, and I am concerned about them.

I think we are all concerned. It has become necessary in the last few days, in the judgment of the President of the United States, that he line these mines up over there, and run risks that could involve us in a mighty war. So I am not hesitating 1 minute to say that I am not going to agree to any vote until this matter has been fully considered on its merits, the question of what we are going to do about voting to so restrict the President of the United States. And I believe every Senator, on second thought, would realize that the passage of this amendment in its present form would restrict the Chief Executive. It would embarrass him personally, but that is not enough reason. I do not put it on that basis. It would restrict him and put him at a marked disadvantage, and I think it could decide the outcome of that conflict.

We need every possible thing in our favor at that conference; and for the first time I believe there is some chance to get a foot in the door and reach some kind of agreement that could lead to much further agreement as the years come and go, and get the whole world partly out from under the shadow of the threat of a nuclear war. If there is any chance at all, I am willing to pay any price to get that chance, and this is the most favorable circumstance.

So if we want to dispose of all these amendments and crank up here and have a real debate on the big issue, that is one thing, but the idea that we can do it this afternoon or tomorrow, that this is that trivial, I cannot agree to.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, the Senator from Mississippi has clearly delineated the dilemma some of us find ourselves in. The Senator from Arkansas clearly indicated earlier that if we could dispose of title VII, if it were out of the bill, we could proceed quickly to resolve any other differences; and there is some assurance that title VII might be out of the bill, because the sponsors are now willing to vote on the motion to strike.

But then we face the Mansfield amendment, and I do not know how we are to dispose of the Mansfield amendment. I share the concern of the Senator from Mississippi. The President is returning on May 31. If we cannot strike title VII, then we should not vote on this amendment until May 31 or later.

Mr. FULBRIGHT. I think that is most unfortunate. Does this mean that the Senator from Kansas and the Senator from Mississippi do not wish to remove title VII out of the bill? I still do not understand why those who formerly wished to strike it now wish to retain it, if they do, if that is their position.

Mr. DOLE. I do not wish to retain title VII even in its modified form. If that were done, and we start debate on the so-called Mansfield amendment, we have not made much progress.

Mr. FULBRIGHT. If title VII were removed, I cannot imagine why the Mansfield amendment would have much appeal. We have had one vote. The only reason, obviously speaking for myself that we lost on the Byrd amendment by four votes. The Senate has spoken, as they say. I am willing to accept that, and take this whole thing out of the bill, now, immediately, as soon as anyone. But I am still puzzled as to why the Senator from Mississippi, unless he now feels that, as amended by Senator ROBERT C. BYRD, it is important to keep section 701 in it, and yet I am not clear that that is what he means to say.

I would think that now, by general agreement, we want to get title VII out, because I want to now. I accept the verdict of the Senate that they want to cut this section out of the bill.

Mr. DOLE. And not have something else substitute for title VII?

Mr. FULBRIGHT. The whole thing out. I would vote for the motion, if the Senator from Mississippi made it, to strike out title VII. I think that would dispose of the whole question. I cannot speak for Senator MANSFIELD, because I never heard of his amendment until a moment ago, but I would think if that is done, it would be decisive. I wonder whether Senator MANSFIELD would want to press his amendment, in view of the vote which has taken place on that subject.

It is hard for me to understand why everyone, having lost the battle by four votes, which is a pretty big margin these days in the Senate, could not agree to dispose of this matter completely, and then move on to what the Senator from Tennessee and others want.

Mr. STENNIS. Mr. President, I just want to disabuse any doubts anyone might have about what my position might be. As long as these provisos are in section 7, or any other part of the bill, or any other amendment that might be offered, I would object to it. I do not want to strike out section 701 as long as it has these limitations on funds in it, and I also want to guard the bill against a repetition of anything like that.

Mr. FULBRIGHT. That would be my position. I am agreeable to striking it. I am not trying to find a way to put it back in, or any other provision.

I know of no other one. I could see no point in agreeing to strike out section 7 and then agreeing to the Mansfield amendment. I do not know how that provision got stuck in the bill in the first place. Perhaps others are not bothered by it; I do not know.

The Senator would not be bothered by any prospect of its reintroduction in any other form on this bill. Any other bill is another matter.

Mr. DOLE. Mr. President, it appears that there is a possibility of some agreement which would dispose of this bill, and then we could move on to the AEC bill. If there is no objection, I suggest the absence of a quorum, in the hope that some agreement might be reached.

Mr. FULBRIGHT. That is a good idea.

Mr. HUGHES. Mr. President, will the Senator withhold that request?

Mr. DOLE. Yes.

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

Mr. DOLE. I yield to the Senator from Iowa.

Mr. HUGHES. Before any sort of proposal is agreed to quietly here between two or three people, I point out that the distinguished majority leader has an amendment which is on file, which he stated to this body was of supreme importance to him, as it is to many other Senators. I am not prepared to agree to any unanimous-consent request, privately or publicly, until the majority leader at least has had an opportunity to tell the Senate what his viewpoint is and why he would change his mind in the last 2 hours about the amendment.

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

Mr. HUGHES. The Senator from Kansas has the floor.

Mr. DOLE. I yield.

Mr. PASTORE. I have every conviction that Senator MANSFIELD will pursue his amendment.

Mr. HUGHES. So do I.

Mr. PASTORE. I do not think we ought to assume here this afternoon that if title VII is stricken out as a result of the motion to strike, Senator MANSFIELD is going to abandon his amendment. I do not think we ought to reach that conclusion without consultation with him. I doubt very much that he will accede to that suggestion.

Mr. FULBRIGHT. He can be consulted, I suppose, by the distinguished assistant majority leader.

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

Mr. DOLE. I yield.

Mr. HUGHES. Mr. President, I regret that we find ourselves in the position that we are unable to reach an agreement today. This matter is of utmost importance. I listened to the Senator from Mississippi talk about the importance he places on the summit conference that is coming up, and I know the graciousness with which he says this after the majority caucus unanimously instructed that the chairman of the Armed Services Committee, the chairman of the Committee on Foreign Relations, and the majority leader be sent to the White House to confer with the President during the National Security Council Conference, and then they were not given any information until about 8 o'clock that evening. Certainly, this shows that the Senator from Mississippi is ready to defend the President of the United States regardless of what purposes come up.

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

Mr. DOLE. I yield.

Mr. STENNIS. I have had my ideas about the SALT talks and nuclear agreements long before the present President or several other Presidents were in the White House.

Mr. HUGHES. The Senator did not raise that question for that purpose, I say to the distinguished chairman of the Armed Services Committee.

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

Mr. DOLE. I yield.

Mr. SYMINGTON. I would hope, as mentioned to the assistant majority leader, that, regardless of anything else, we do not leave this proposed legisla-

tion until we dispose of it one way or the other.

With respect to the SALT talks, for years they have furnished the reason why we should not take steps, make decisions, which I believe the dignity of the Senate requires we should. The SALT talks caused us to waste hundreds of millions more dollars by talking about them as bargaining chips incident to the ABM. Now the SALT talks would appear to be a reason for not proceeding with this bill.

So far as the Senator from Missouri is concerned, I am willing to stay here indefinitely because I believe we ought to dispose of this vital measure one way or the other. Americans continue to fight and die while we continue to debate parliamentary tactics on this floor. Let us decide now what the Senate thinks should really be done with respect to this war in Vietnam, and Cambodia, and Laos.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESIGNATION OF JOHN CONNALLY AS SECRETARY OF THE TREASURY

Mr. HARRY F. BYRD, JR. Mr. President, the resignation today of Secretary of the Treasury John Connally is, I feel, a great loss to the Government. He is a man of great ability.

He served with distinction in many Government positions. Under President Kennedy, he served as Secretary of the Navy. Then he served three terms as Governor of the State of Texas. Since January a year ago he has served as Secretary of the Treasury.

He is resigning, the news accounts say, for personal reasons. He desires to go back into private business.

Most certainly, John Connally has served his Nation well. He was particularly effective in dealing with foreign governments in regard to the many monetary and financial problems facing the United States. He dealt with them with firmness. It was time that a representative of the U.S. Government take a firm position with representatives of foreign governments in connection with the balance-of-payments problems facing the United States.

So, Mr. President, as John Connally plans to retire from Government, I just wanted to say a few words in the Senate today on behalf of the very effective work he has done as Secretary of the Treasury. His ability and energy and dedication will be greatly missed.

QUORUM CALL

Mr. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to file reports until midnight tonight.

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

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. 1196

Mr. HARRY F. BYRD, JR. Mr. President, I submit an amendment on behalf of myself, the Senator from North Carolina (Mr. ERVIN), and the two Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) as well as the Senator from Florida (Mr. GURNEY) and ask that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

QUORUM CALL

Mr. HARRY F. BYRD, JR. 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. BAKER. 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 ATTACK ON GOVERNOR WALLACE

Mr. BAKER. Mr. President, I join other of my Senate colleagues in expressing my anger, bewilderment, and sorrow at the barbaric attack of yesterday on the Governor of Alabama, George C. Wallace.

Like all Americans, I am profoundly relieved and grateful for the fact that the Governor's prognosis and chances for a speedy recovery appear to be excellent. As Mr. Wallace's couragous and gracious wife, Cornelia, put it so well last evening, her husband had not gained his reputation as "the fighting little judge for nothing." His body is strong, his mind is strong, his devotion to the welfare of this Nation is strong. I both hope and pray for a rapid and full recovery of all of Governor Wallace's physical capacities.

Some say that this most recent assault on the person of a political figure is only further evidence of an endemic social sickness pervading our national life. I disagree. Who among us can imagine what goes through the twisted minds of the individual men who commit these terrible crimes? Perhaps one can identify certain strains of permissiveness in our society, but I do not associate that permissiveness with isolated acts of deranged violence by individuals.

In fact, we have always been an extraordinarily free and open society. That fact has been one of our most fundamental strengths. And it is that very freedom and openness that I find threatened by the attack on Governor Wallace.

In addition to the cruel and brutal physical harm inflicted on Mr. Wallace, the political and social process itself is also damaged by such an incident. One of Governor Wallace's chief issues in his quest for the nomination of his party for President was the degree to which millions of common Americans—ordinary, decent, hard-working, tax-paying citizens—felt alienated from big government from their elected leaders, and from other powerful forces shaping their lives. He clearly had touched a very tender nerve in the American body politic, and millions of people heard his message and encouraged him to send it on.

How can the people of this Nation and the elected officials whose job it is to represent the interests of the people reestablish the necessary contact and confidence that Governor Wallace spoke of so forcefully, when moving freely and openly among the people has become so difficult? It is a dilemma that deserves the most earnest and thoughtful attention of every American. How many men and women will have the courage to stand up and speak out forcefully for convictions and ideals they hold strongly, as Governor Wallace has done, in the knowledge that some perverted soul believes that he can, with a bullet, murder an idea, a conviction, a dream for a better America?

I believe that, although our political process is damaged whenever a tragic incident of this sort occurs, men and women of courage will still speak out in behalf of their ideas. I know for a certainty that this is true of Mr. Wallace. He is an important political force in this country, he speaks with force for many of our people, and I look forward to his return to the active political arena.

I and my family extend our hopes and prayers to Governor and Mrs. Wallace during this trying time. The entire Wallace family has demonstrated great grace and courage and has earned our respect.

Mr. HUMPHREY. Mr. President, I am sure the Senator from Tennessee (Mr. BAKER) will be pleased to know that the Governor of Alabama, George Wallace, is making progress this afternoon. I had the privilege of visiting with his wife. Despite our differences of viewpoint in politics, some of us have personal relationships which go far beyond political controversy. I am very much pleased that the Senator from Tennessee has spoken this day as he did.

I hope and pray that the American people will realize the dreadfulness of the tragedy which has befallen not only

a man but the whole Nation in this specter of senseless violence. Whether personal, by an individual, or public, by a group, violence begets violence. Violence can only do one thing and that is to set people against one another. I pray to God that that does not happen in this country and that we will learn lessons from these tragic events.

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.

Mr. HUMPHREY. Mr. President, earlier today the Senate voted on the so-called Byrd amendment. I voted in opposition to it. It is with much regret, as I see it, that this body chose to pass the Byrd amendment making a cease-fire a chief condition on the withdrawal of our forces from Vietnam.

I sensed, during debate on this question, some confusion by the supporters of the amendment as to the intent of the opposition. The intent, however, is clear. The Case-Church amendment was designed to offer as simplified a version of a negotiating posture as would be possible, taking into account full consideration of our main concern, to reach an agreement on our American prisoners of war and those missing in action.

In no sense was this amendment a rejection of the importance of a cease-fire as an objective in our foreign policy or as an objective in our policy toward Southeast Asia. I, for one, underlined the importance of obtaining a cease-fire in an effort to bring a halt to the killing, which responsibility both sides share.

I urged this body, on April 7 of this year, that the United States bring the issue of a cease-fire, and the entire question of Vietnam, once again before the United Nations.

Again, on May 9 of this year, when I joined the distinguished Senator from Idaho (Mr. CHURCH) in support of his amendment, I urged that the United States call for an emergency session of the Security Council of the United Nations to arrange for the implementation of a cease-fire on the part of all parties in Vietnam and throughout all Indochina.

Secretary General Kurt Waldheim of the United Nations has been working diligently to achieve this very end or objective. Only today, Tuesday, May 16, 1972, the Secretary General made public the latest of his efforts to bring pressure on the permanent members of the Security Council, particularly China, to bring the issue of Vietnam before the Security Council.

Unmistakably, the Security Council is fully equipped to deal with this question if it has the support of the permanent membership.

In 1966, while the U.S. Government had placed the Vietnam issue on the agenda at the Security Council, it was, at that time, strongly objected to by the Soviet Union.

I regret to say that the current administration has given little support for this procedure.

Furthermore, China is reported to be in opposition to this initiative just as the Soviet Union was 5 or 6 years ago. However, I am convinced that, with proper diplomatic skill, in light of the present international climate, China could be convinced to change her position.

I am very much pleased that the Secretary General, Mr. Kurt Waldheim, has seen fit to express his views on this very important matter.

As reported in the New York Times today, the article entitled "Waldheim Presses for Action on Vietnam," I think, gives us some hope.

Might I say that I have been urging repeatedly over the months the very action which the Secretary General is now once again asking for.

The article reads:

> Secretary General Waldheim today sharply increased his pressure to have the Vietnam issue brought before the United Nations by making public a strongly worded letter he wrote last week to the President of the Security Council.
>
> In the letter Mr. Waldheim openly took issue with the Chinese position, expressed in a letter from Huang Hua, the Chinese delegate, to the Secretary General last week, that "the Vietnam question has nothing to do with the United Nations."

Mr. President, I digress for a moment to say that this is exactly the position the Soviet Union pursued 6 or 7 years ago and now the Chinese take up this position; namely, that Vietnam has nothing to do with the United Nations.

Speaking as a Senator and as one who served as a delegate to the United Nations, what is the purpose of the United Nations if it is not to obtain and preserve or achieve peace? To put it more affirmatively, the sole purpose of the United Nations is to maintain peace or, if the peace is breached or threatened, to try to bring about peace or a halt to the threat to peace.

Mr. Waldheim's letter goes on to say:

> "Now that other efforts to bring the war to a halt seem to show little promise of success within a reasonable time, I feel strongly that the United Nations can no longer remain a mute spectator of the horrors of the war and of the peril which it increasingly poses to the international peace."

Mr. President, I ask unanimous consent that the article to which I have referred be printed in full at the end of my remarks.

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

(See exhibit 1.)

Mr. HUMPHREY. I think the Senate owes Mr. Waldheim a thank you for being a Secretary General of the United Nations who has placed peace or the attainment and pursuit of peace above all else. The Secretary General has challenged the Soviet Union and the People's Republic of China, as well as the United States, on this issue. I think he deserves the support of this Government. I think he deserves the support of all peace-loving people and all peace-loving nations.

I do not know whether the United Nations can succeed where we have failed. However, I know that if this is not tried, it will not be possible. Surely in the light of our concern in the Senate over the Case-Church amendment, as amended, or any number of the amendments before the Senate, it seems to me that the logical course would be somewhere during the deliberations on the pending bill to at least express our support of Mr. Waldheim's efforts to utilize the instrument and resources of the United Nations to attain a cease-fire and place the Vietnam question squarely before the Security Council.

It is obvious to me, as I am sure it is to others, that our bilateral efforts have not been successful thus far. This is not due to any lack of interest on the part of the Government of the United States. It has been due in part to the intransigence or stubbornness of the North Vietnamese and the National Liberation Front. However, be that as it may, the logical place to put this whole question, which seems to be beyond solution by any of the immediate negotiators, or the negotiators in Paris, would be in the United Nations, and in the Security Council.

I would urge most respectfully of our Government that it do just that.

Mr. President, it is my hope and prayer that what action is presently underway in Vietnam will result in peace. I could not agree to, and I expressed my disagreement with the President's course of action in mining the harbors of North Vietnam. I hope that he has some arrangement with the Soviet Union. If he has, I wish he would tell us. I think the American people are entitled to know. We all want to avert any possible danger that might result from any new course of action. We have no information as to whether the present activities on our part in Vietnam have been discussed with the Soviet Union.

One would be very interested to know what, if any, understandings were reached by Dr. Kissinger on his visit with Mr. Brezhnev and other Soviet leaders. We would be very interested in being told whether there is some sort of understanding which might lead to peace.

I think the question is simply that of peace. As far as I am personally concerned, I want to help the President in every way I can to achieve peace, even if it means a tremendous amount of political support for him. However, I believe that the most urgent question before the Nation is that of obtaining peace. One inducement, it seems to me, for encouraging the Chinese and the Soviet Union to submit or at least to be willing to cooperate in a United Nations' effort would be for the President to halt the intensified bombings over Vietnam and the mining of the interior and coastal waters of North Vietnam. This kind of collision course we are now on offers little flexibility to the other side, and certainly, helps to force China's hand.

Mr. President, what I am saying essentially is that those of us who voted against the cease-fire amendment today voted against it because of our desire to provide our President with the maximum flexibility in negotiating a cease-fire.

I have been suggesting the use of the United Nations. I have also encouraged public and private peace talks or the reactivation of the International Control Commission or, might I respectfully suggest something that other Senators suggested years ago, namely reactivating or reconvening the member states of the Geneva Conference of 1954, or an enlarged group of conference members.

There are so many ways to proceed toward obtaining a cease-fire that it might be too restrictive for this body to attempt to define it.

For the present, however, cease-fire should be a focus of our attention. That is why the majority leader's proposal for a cease-fire between the North Vietnamese, the NLF, and the United States is a positive contribution to the whole debate. Nevertheless, the essential fact remains that to obtain a cease-fire, we have to show a willingness to cease on our own part, and this can hardly be shown in the latest military escalation undertaken by the order of the President.

Mr. President, I urge the Senate not to get bogged down in parliamentary intricacies at a time when there is a national crisis which hangs over us. I urge us to unite in support of a definite program to end the U.S. involvement with the safe and speedy return of the American prisoners of war and those missing in action.

Mr. President, a cease-fire should be part of the program, but let us leave it to the belligerents to determine the exact nature of the cease-fire. Hopefully, this could be determined within the structure and the resources of the United Nations.

Mr. President, my comments on this matter today were in large measure precipitated by the article which I read and had printed in the RECORD. I have not had the opportunity to visit personally with the Secretary General of the United Nations. However, I think that he is showing admirable courage. He is not in a sense being neutral on the issue of peace or war. He is not just waiting for others. He is really utilizing the prestige of his office to encourage action in the U.N. He is not being critical of the United States. On the contrary, he has challenged the Chinese and the Russians to act responsibly as members of the U.N.

It seems to me that the least we can do in this body, if not by resolution or even by amendment, is for a number of Senators to speak up to encourage the utilization of available facilities of the United Nations to bring the Vietnam issue before that structure or the Security Council.

It is quite obvious that every other effort that has been made has not succeeded. It is obvious that the Paris peace talks have bogged down and have been bogged down for a long time. I am not assessing blame to our Ambassador. I think our Ambassador there, Mr. Foster, is an outstanding diplomat. I am sure he is doing everything in his power to facilitate negotiations.

But, Mr. President, when you get to the end of the road on one particular course it seems to me that the least you can do is turn around and see if you cannot find another channel, and the channel is there, with no guarantee of success, but at least it is a channel open to us and it is one where we really can confront those two nations which share responsibility, for this war in Vietnam, the Soviet Union and the Peoples Republic of China.

I hope and pray that the President's visit to Moscow will be a success. I am not going to spend any time lifting my voice in criticism of that visit because I think it is essential, and I hope nothing prevents it from coming off or being consummated. But I think the presence of the Soviets and the Chinese in the United Nations gives us an opportunity within the framework of a body designed to promote world peace to come to grips with this issue.

I hope other Senators may see fit to express their interest in Secretary Waldheim's proposal, and before this debate is over we might well pass a measure expressing sentiment on the part of the Senate to encourage our Government to pursue the course outlined by Secretary Waldheim and encourage the United Nations to be the instrument for the attainment of an overall cease-fire in all Vietnam and Indochina.

I make this proposal in the hope it may receive favorable comment and reaction from the administration and other Members of this body.

EXHIBIT 1

WALDHEIM PRESSES FOR ACTION ON VIETNAM

(By Robert Alden)

UNITED NATIONS, N.Y., May 15.—Secretary General Waldheim today sharply increased his pressure to have the Vietnam issue brought before the United Nations by making public a strongly worded letter he wrote last week to the President of the Security Council.

In the letter Mr. Waldheim openly took issue with the Chinese position, expressed in a letter from Huang Hua, the Chinese delegate, to the Secretary General last week, that "the Vietnam question has nothing to do with the United Nations."

Mr. Waldheim's letter, written on the same day that the Chinese letter was received, said:

"Now that other efforts to bring the war to a halt seem to show little promise of success within a reasonable time, I feel strongly that the United Nations can no longer remain a mute spectator of the horrors of the war and of the peril which it increasingly poses to the international peace."

NEW COURSE OF ACTION

In writing the letter and then making it public, Mr. Waldheim was taking a course in his pursuit of peace that differed sharply from those of his predecessors.

U Thant, during his 10 years in office, never forced an issue when the matter was opposed by any permanent member of the Security Council.

Dag Hammarskjold might have worked behind the scenes to bring about an agreement. But he would not have tried to bring public pressure to bear.

But Mr. Waldhiem has expressed the view that public opinion is a vital factor and that it plays an important role in foreign policy. By publicizing his letter he appeared to be openly trying to marshal public opinion on his side to have the United Nations intervene in Vietnam.

PATH TO DISASTER

In the letter the Secretary General said that he was "deeply concerned" that the United Nations, "created as a result of a world war in order to safeguard international peace and security in the future, appears to have no relevance" to what is now happening in Vietnam.

"This indicated an attitude which, if it persists could all too easily lead to the wholesale disaster which the United Nations was set up to prevent," he said.

Mr. Waldheim said that he did not underestimate the difficulties that faced the United Nations in general and the Security Council in particular, in dealing with the Vietnam problem. But he suggested that the members of the Security Council should consult and consider what measures could be taken.

In his letter to the president of the Security Council, a rotating post filled this month by George Bush of the United States, Mr. Waldheim, also challenged the traditional position of the Soviet Union. The United States had placed the Vietnam issue on the agenda of the Security Council in 1966 but the matter was not considered, in the main because of Soviet objections.

Mr. BROOKE. Mr. President, I have long favored the withdrawal of all American forces from Vietnam and the establishment of a date certain for the withdrawal. Last year I favored and supported and voted for the McGovern-Hatfield amendment, which would have established a date certain of December 31, 1972, for withdrawal of American forces. I have favored and supported, and would vote for the Church-Case amendment now before the Senate. But I was somewhat disturbed by the original date of that amendment which called for withdrawal of American forces from Southeast Asia prior to the 31st of December 1972.

Because I could not accept this date, Mr. President, I filed an amendment on Tuesday, May 9, calling for the withdrawal of American forces by August 31, 1972. That perfecting amendment to the Church-Case amendment is pending business before the Senate.

On the Senate floor today our distinguished majority leader introduced an amendment which he said he will call up at a subsequent time which incorporates August 31, the date which I had in my perfecting amendment, and goes further relating to the subject of a cease-fire.

The distinguished assistant majority leader offered an amendment to the Church-Case amendment, which provides for an internationally supervised cease-fire, and it was adopted by the Senate. I respect the distinguished assistant majority leader, but I voted against that amendment, and I called up my amendment which is now pending.

I have talked with the distinguished majority leader and I have decided I will withdraw my amendment and support the majority leader's amendment. I ask unanimous consent that I be added as a cosponsor of that amendment.

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

Does the Senator now withdraw his amendment?

WITHDRAWAL OF AMENDMENT NO. 1199

Mr. BROOKE. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BROOKE. Mr. President, I believe the most important contribution which the Senate of the United States can make in this very serious matter of our in-

volvement in Southeast Asia is to pass an amendment which would provide for a cutoff of funds conditioned upon the return of all American prisoners of war and identification of our missing in action. That is including, of course, ground forces, naval forces, air forces, and advisers, as well.

I hope that after deliberation the Senate will take up the Mansfield amendment and will pass that amendment, because I believe that Congress should share the burden of decisionmaking which the President has held—several Presidents have held—for such a long period of time.

Mr. President, the amendment which I have withdrawn I believe makes the Church-Case amendment the pending business. It is my further understanding that a motion to strike which has been filed by the distinguished Senator from Mississippi (Mr. STENNIS) will be called up.

It is my intention to vote for the Stennis motion to strike because I believe that the Byrd amendment to the Church-Case amendment has so weakened the Church-Case amendment that in its present form it is ineffective.

Mr. President, I again call upon my colleagues in the Senate to give serious consideration to the Mansfield amendment, which I believe establishes for the first time a date certain for the withdrawal of all ground forces from Vietnam and a cutoff of funds for the purpose of maintaining them there. All other American forces in and over Indochina will cease hostilities once a cease-fire has been established and our prisoners of war and missing in action have been returned or accounted for.

The Mansfield amendment now is practically what the President has said in his address to the Nation last Monday night, when he said that the Government of the United States was willing to withdraw its forces upon the return of our prisoners of war, identification of our missing in action, and an internationally supervised cease-fire. The only difference I can see between what the President has suggested and what the Mansfield amendment proposes is the date certain for withdrawal of our ground forces.

I see no reason why, after all these many months and years, the Senate cannot stand up and take action—action which will serve to bring about an end to the war in Southeast Asia.

I do not think that this action should be considered as criticism of the President. This action is not in competition with the President. It is the constitutional responsibility of the Congress of the United States to share this important burden, and I hope, Mr. President, that this amendment will be passed by the Senate.

I further hope that consideration of the Mansfield amendment will be soon, because time is of the essence.

There are approximately 3½ months remaining between today and August 31. If the Mansfield amendment does not reach the floor for a vote before June 1 of 1972, there will be only 3 months remaining between the time that it is adopted and the time funds are cut out and the time when we could expect all our troops to be withdrawn from Vietnam.

I think this is a practical amendment. There is ample time, now, to arrange for the withdrawal of our forces. We now have only 60,000 ground troops in Vietnam. Certainly we can withdraw those 60,000 ground troops within 3 months. We have done better in the past. And so far as the Navy and the Air Force are concerned, we can sail out our Navy and fly out our Air Force just upon the direct order of the President. It requires little time.

But I hope we go one step further, Mr. President. I hope we will not substitute for our involvement in Vietnam, the stepped up and escalated military involvement of the South Vietnamese. I mean by that, Mr. President, that I hope we will not double the tanks and the planes and the ammunition and the weapons of death that we have been providing to the South Vietnamese for all these years in order that they may take up the battle and continue the devastating war in Southeast Asia.

I am hopeful that, in addition to the withdrawal of our forces, we will cease to provide materiel, weapons of war, to the South Vietnamese after we leave.

Perhaps there is, as the President has often said, some light at the end of the tunnel. It has been suggested that the main topic of the President's trip to Moscow will be the strategic arms limitation talks and the results of those talks. Having been very keenly interested for a long period of time in the success of those talks on the limitation of our offensive and defensive weapons, I am hopeful for their outcome. But I am hopeful also that much time will be given by the President and by the leaders of the Kremlin to what can be done to bring about an end to the war in Southeast Asia. I hope and pray that it could be done before August 31 of 1972. I am sure that the President wants to end the war, and I hope that the forum in the Soviet Union will be helpful to the President, to the Soviet Union, to the North and South Vietnamese, to the Vietcong, and to the People's Republic of China, and to all others who are gravely concerned with the war, as a means for ending that war.

Mr. President, this is a very important time, I need not reiterate. It is an important time, however, I believe, for the Congress to take action. We have on many attempts been stifled in our initiative. It has been a very frustrating experience, because I believe the American people look upon the Congress as a part of the Government with both knowledge and power.

It has been frustrating to those of us in the Congress who feel that we are somewhat powerless in what we can do about the war. This, of course, has caused us to resort to the only power we have in this undeclared war. That is, of course, to take the appropriations route and to cut off funds, conditioned upon the return of our prisoners of war.

No one in the Congress has ever suggested that we cut off funds or that we withdraw unless our prisoners of war are released. No one is suggesting that now. But I think that we should not add any more conditions to our withdrawal. I trust that we will, as the President has said, stay out of the political settlement, not get involved in it, unless there is something which we can agree to in Moscow which will be equitable for all parties concerned.

So I urge my colleagues in the Senate to seriously—very seriously—consider the Mansfield amendment when it comes to a vote, and to vote favorably upon it.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Now that the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) has been withdrawn, is a perfecting amendment to the Church-Case amendment in order?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1200

Mr. GRIFFIN. Mr. President, I send to the desk such a perfecting amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

Amend the language proposed to be inserted by adding after the words "an internationally supervised cease-fire and" the following: "after all prisoners of war have been released pursuant to".

The PRESIDING OFFICER. The question is on the amendment.

Mr. GRIFFIN. Mr. President, the Church-Case amendment to section 701 as amended by the Byrd amendment, would revise section 701 to read as follows:

Nothwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting, or engaging United States forces, land, sea, or air, in hostilities in Indochina four months after reaching an internationally supervised cease-fire and an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

But, of course, the Church-Case modification to section 701 has not been adopted. I make the point, however, that the language, while improved by the amendment of the Senator from West Virginia would still provide for withdrawal of U.S. forces within 4 months after an agreement is reached for the release of all prisoners of war—not 4 months after the release of prisoners.

Of course, that would not be consistent with the peace proposal or offer which was made by the President a week ago tonight. Beyond that, I believe most Senators want to be sure that the prisoners will actually be released; it is not enough just to have an agreement that they will be released.

The perfecting amendment I have just submitted would make it clear that U.S. forces would be withdrawn within 4 months after an internationally super-

vised cease-fire is begun and after all prisoners of war have been released.

I hope that this amendment, in due course, will be adopted.

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.

THE BYRD AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I stated yesterday very briefly my reasons for offering my amendment to the Church-Case language. As I stated then, although I had voted in the caucus with the eight Senators who voted against the Church-Case proposal in caucus, I had indicated at that time that I intended to keep my options open with respect to floor action thereon. I was sympathetic toward the desire, on the part of the Senators who supported that amendment, to see our remaining air, naval, and ground forces in Vietnam and in Indochina withdrawn, but I did not feel that I could accept the Church-Case amendment as then written.

When the distinguished Senator from Idaho then submitted his amendment immediately following that caucus, I went to him and stated to him that his amendment was an amendment in the first degree, and any Senator could offer an amendment in the second degree thereto, and very likely would. I indicated to him the nature of the amendment that I had prepared, which would include the requirement for an internationally supervised cease-fire, and assured him that, of course, if he would be offended in any way I would not offer it, or that if he did not want me to offer it I would not offer it, but that someone would undoubtedly offer such an amendment, in which case it might entail even more than the verbiage that I had in mind.

The distinguished senior Senator from Idaho indicated that he could not support the amendment, but he recognized also that an amendment in the second degree would be in order, and that if it was going to be offered, he would just as soon see me offer it as to see someone else offer the amendment, and, faced with the choice, would rather I offered it than to see it offered with language that would perhaps be even more unacceptable than that which I had in mind.

As I stated yesterday on this floor, I offered that amendment in an effort to revise the Church-Case language in such a way that I, in my own conscience, could vote for the Church-Case amendment. I have recently come to the conclusion that there may indeed come a point in time when we would have to enact legislation to cut off the funds as the Senator from Idaho seeks to do. I felt, though, as I indicated yesterday, that we ought first to strive as best we could to secure a cease-fire, and particularly an internationally supervised cease-fire in all of Indochina, so that all of the killing in Indochina would cease—not just the killing in North Vietnam, not just the killing in South Vietnam, not just the killing in Laos, not just the killing in Cambodia, but all of the killing in all of Indochina.

I stated that in my judgment, unless there could be such a cease-fire, and although U.S. forces might be withdrawn, the killing would go on—killing of not only North and South Vietnamese, Cambodian, and Laotian armed forces personnel, but the killing also of civilians—including the old, the young, and women as well as men.

I indicated yesterday that I had asked no Senator to vote for my amendment, that I had not asked any Senator as to how he would vote, and that I did not intend to do so. I have kept that pledge. I felt that it was a matter for each Senator to decide in accordance with his own convictions, and without any effort on my part to attempt to persuade any Senator to vote for my amendment if his convictions were otherwise. In this instance, I felt that emotions being what they are in the Senate and in the country, I should not attempt to influence any Senator's vote, even if I could have done so. At the same time, I felt it a duty to offer the amendment, as I have said, because I wanted to see the Church-Case language changed at this particular time, and I was willing to let the decision of the Senate stand without further effort on my part.

The Senate made its decision today, and I believe that it was a wise decision and the right one—certainly as of the present day and circumstance. One other very basic reason that I had in offering the amendment—and I would have voted for the amendment regardless of who might have offered it—was that I felt that there are some real possibilities that the President, in his trip to Moscow, may be able to work out some feasible solution, with the support of the Soviet Union, to the situation in Indochina. The President has recently been to the People's Republic of China; he is going to Moscow next week, and I felt that the situation in the world has changed to the extent, and our relations with China and Russia have changed to the extent, that both those great Communist countries possibly have interests that are not necessarily identical to and which do not necessarily coincide with the narrower interests today of the North Vietnamese.

Their interests today are quite possibly broader and can be viewed in a larger context than those which are of importance in Hanoi at the moment.

There is no question in my mind, Mr. President, with respect to the sincerity, the honesty in their purposes, or the dedication to this Nation's best interests of those Senators who favored the Church-Case amendment. I share those sentiments with them. But if there is to be an end to the war soon, if there is to be an end to the wholesale slaughter of civilians and military personnel in Vietnam, it cannot be accomplished merely by withdrawing the few remaining U.S. forces from Vietnam.

The President's latest proposal to end the war involves the return of the prisoners, the withdrawal of U.S. forces, and a cease-fire—an internationally supervised cease-fire—throughout Indochina.

I cannot say with absolute positiveness that it will be impossible to secure an internationally supervised cease-fire although some of my colleagues believe it not possible. My language does not provide that it would be a cease-fire in place or that it would be a cease-fire and withdrawal, but merely that it would be an internationally supervised cease-fire. I would leave it to those who would do the negotiating to determine what kind of cease-fire might be agreeable, if indeed it is possible to establish any kind of cease-fire at all.

I feel that an internationally supervised cease-fire, if it could be supervised by Asians themselves, would be preferable, because it seems to me that they should have the greatest interest and the most at stake in bringing an end to the hostilities in Southeast Asia.

I recognize the arguments of those who sincerely feel that to stipulate that there be an internationally supervised cease-fire would, in effect, put a so-called veto power in the hands of the North Vietnamese and in the hands of the South Vietnamese, but I am not willing to concede that argument yet. Whether or not the North Vietnamese would accede to such a cease-fire is a matter of opinion only, insofar as I am concerned.

I am in no position to know what kind of pressure the Soviet Union and/or the People's Republic of China might be able and willing to bring to bear upon Hanoi as a result of the President's forthcoming visit. The Chinese People's Republic wants to see the United States get out of Indochina, and such an internationally supervised cease-fire would help to accomplish this. It might very well be in the long-run best interests of the Soviet Union to see an internationally supervised cease-fire if it is part of a larger agreement, and part of a larger package, that the President may be able to work out while in Moscow. I cannot believe that the North Vietnamese could be immune to pressure on behalf of a cease-fire from those two great Communist giants, especially in view of the fact that they have supplied the bulk of the war materiel, the weapons, the technical advice, and a great deal of food and other necessities for conduct of the war and particularly the North Vietnamese invasion.

So, in my judgment, it is not at all out of the question to at least hope for an internationally supervised cease-fire. I am not willing at this time to agree to the argument that President Thieu would unquestionably veto such a cease-fire. It may very well be that if the South Vietnamese succeed in holding Hue—and, at the moment, they appear to be doing better than at first—this would be a tremendous fillip to them; and—who knows—they may then be willing to come around to the view that it could be in their own best interests even to agree to a cease-fire in place so as to stop the killing in their own country and end the threats from their Cambodian and Laotian flanks. All things are

possible, as of this moment, I would hope.

So I think that we at least ought to have hope, as long as the President is going to Moscow, that something could evolve from his meetings there which would achieve the objective we all want to attain; namely, to see our men brought home, to see an end to the wholesale killing of men, women, and children in all of Indochina, to see the restoration of peace there, and to achieve agreements in a larger package that would have a broad and wholesome impact on the future peace of the world with respect to problems in other areas, not just in Indochina.

So, Mr. President, as I have said, I feel that the Senate took the right action as of today, because I believe something good can possibly come out of this meeting in Moscow. I think that this is the wrong day and the wrong hour to impose a mandatory cutoff of funds without the additional requirement of a cease-fire.

I do not like to use the words "undercut the President's position," but I think that to do so would really amount to that. I am sure that no Senator would knowingly and intentionally do anything to endanger any chance for peace that the President might be able to work out. We all see things from different perspectives, and we cannot all see alike, but I believe every Senator seeks to do what is in the best interests of our country. We may disagree, of course, as to the approach to be used. I felt when I offered the amendment, and I feel now, that we ought to make haste slowly—at the moment, at least—and let the President see what he can do, and that we should not do anything here today that could be interpreted in other countries or by the President as an action that would weaken his hand—even in the slightest—in the difficult deliberations that are going to take place in Moscow. I felt that we should not rock the boat at this time.

I think we ought to hope and to pray that the President, in Moscow, will be able to reach some agreement that will go far beyond the issue of Vietnam. There must be some reason for hope of this, in view of the fact that the Soviet Union has not reacted to the May 8 announcement of the President as cholerically as some of us had originally feared. Apparently, the summit is still on; and I am confident that the Soviet Union is aware of the fact that Vietnam is going to be discussed to some extent at the summit. So, while there is yet that chance, I think there is yet hope.

It was for these two reasons that I, as a Senator—not acting as a part of the leadership but acting in my capacity as a Senator from the State of West Virginia—offered the amendment: First, to indicate that we would hope for a cease-fire to bring about an end to all the killing in all of Indochina; but, more important, to give the President time, to give him a chance to do whatever potentially may be done in the meetings in Moscow for the betterment of all mankind. Hopefully, out of those meetings can come some kind of cease-fire and agreement that will stop the killing in Indochina, that will enable us to bring our servicemen home, and that will do more than that—will open up new vistas of a promise for peace in the world that will go beyond the immediate battlefields in Vietnam.

The President will try, and he may fail. But I know that every Member of this Senate hopes that the President will succeed in persuading the Soviet Union to take the high road next week in Moscow, and agrees that we should do nothing which would preempt his opportunity to do so.

There is yet time for the Senate to take stronger action if such is warranted. As I indicated yesterday, it may very well be that in another circumstance and in another day, I, too, would see things differently and would cast my vote accordingly. But as for this day and time, I believe that the Senate made the right decision and did the right thing. Our options are still open to us, but I think we should, more importantly, leave the President's options open to him for the next few days, so that in the long run we all may not only see our own heartfelt desires achieved but we might also have benefited ourselves, the Senate, the country, and the whole world in a way that future generations can remember with gratitude.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I want to commend the distinguished majority whip for his statement and for the leadership he has provided in connection with this amendment.

I think it is so important that the message go out from this body that, whatever our differences may be about the conduct of the war and about the policies for ending it, those policies do not run along party lines. There are some people, unfortunately, who believe that these must be party matters. I think that the Senator from West Virginia and, I think, other Senators put their country first and the interests of their country first. Their party takes a lower priority.

The distinguished Senator from West Virginia is absolutely correct in stating that if he had not offered that particular amendment, the same language would have been offered by some other Senator. There is no question about that. I pay tribute to him for exercising his own judgment and following his convictions, in offering the amendment as an individual Senator from West Virginia.

I believe, as he does, that the amendment is a good one. The argument that it puts into the hands of the North Vietnamese a veto power or a decisionmaking power is no more valid than it is with respect to our prisoners of war. They have the veto power with respect to the release of our prisoners of war. If they do not release our prisoners of war, then we will not be able to withdraw our troops, under these agreements.

So far as the South Vietnamese Government is concerned, and the distinguished majority whip made reference to that Government, the President indicated that he made his offer after consulting with the government in Saigon and with the concurrence of that government. So we have some reason to believe that such a veto power, so far as the Saigon government is concerned, would not be there or would not be exercised.

Over and over again we hear the cries and the anguished appeals to stop the killing.

For the life of me, Mr. President, I cannot understand how those who claim that they want to stop the killing in Vietnam can vote against a cease-fire which would stop the killing if it were put into effect.

Thus, I believe that the distinguished Senator from West Virginia has performed a great service so far as the Senate is concerned and so far as the country is concerned, and I want to commend him most highly.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his gracious and charitable comments.

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 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes.

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

ORDER OR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, after the remarks of the distinguished Senator from Utah (Mr. Moss) tomorrow, that 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.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the RECORD, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The pending question before the Senate is the perfecting amendment by the Senator from Michigan to the amendment by the Senator from Idaho.

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer.

Mr. President, for the further clarification of the RECORD and for Senators who might read the RECORD, the question, once the amendment by the distinguished Senator from Michigan is disposed of, will then recur on the amendment by the distinguished Senators CHURCH and CASE. That amendment would be, of course, open to further amendments in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. Once the Church-Case amendment is disposed of, the language in section 701 would still be open to amendments in the first and second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. And then, at such time as all amendments to section 701 now pending or later offered are disposed of, the question would then recur on the amendment by the distinguished Senator from Mississippi to strike section 701.

The PRESIDING OFFICER. That is a correct statement.

Mr. ROBERT C. BYRD. I again thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, and after the recognition of the distinguished Senator from Utah (Mr. Moss) for not to exceed 15 minutes, routine morning business will ensue for not to exceed 30 minutes, with statements therein limited to 3 minutes, and at the conclusion of the routine morning business, the Chair will lay before the Senate the unfinished business, which is S. 3526.

The pending question at that time will be on the adoption of the amendment offered by the distinguished Senator from Michigan (Mr. GRIFFIN).

Rollcall votes could occur tomorrow, Mr. President. It is not entirely impossible that the Senate might find a way, with the agreement and the understanding of all Senators on tomorrow, to go on a double track system at some point in time—hopefully tomorrow—for a reasonably short period, to take up any other measure on which a time agreement has been previously entered into.

This would enable the Senate to keep the present business before it and before the country. It would enable the Senate, at the same time, to proceed with the consideration of other matters on the calendar on which time agreements have been reached. It would only be with the intention—so far as I am concerned, and insofar as any measures requiring a rollcall vote thereon would be concerned—to take up measures on which unanimous-consent agreements have been, or can be, entered into, so as to assure that the basic matter before the Senate at this time would not be too long set aside, but would only be set aside temporarily until such other less controversial matters could be disposed of, thus helping the Senate to keep the calendar as clear as possible, so that the Senate would be in readiness to handle other important bills as they later came along—appropriation bills, controversial nominations, and so forth—in due course.

So, I repeat, Mr. President, there could be rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 6:08 p.m. the Senate adjourned until tomorrow, Wednesday, May 17, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 16, 1972:

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Fred M. Dean [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. William F. Pitts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. James M. Keck, [redacted] FR (major general, Regular Air Force), U.S. 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:

Lt. Gen. Robert G. Ruegg [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Dale S. Sweat [redacted] FR (major general, Regular Air Force) U.S. 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:

Lt. Gen. Alonzo A. Towner, [redacted] FR (major general, Regular Air Force, Medical) U.S. Air Force.

The following officer for appointment as Surgeon General of the Air Force in the grade of lieutenant general under the provisions of section 8036, title 10 of the United States Code:

Maj. Gen. Robert A. Patterson, [redacted] FR (major general, Regular Air Force, Medical) U.S. Air Force.

Lt. Col. Charles M. Duke, Jr. [redacted] for promotion to colonel, line of the Air Force, in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

IN THE ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, section 593(a) and 3392:

To be brigadier general

Col. Evan Albert Turnage, SSAN [redacted] Adjutant General's Corps.

IN THE NAVY

Rear Adm. Edward W. Cooke, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy for a term of 3 years, pursuant to title 10, United States Code, section 5064.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clyde C. Andrews	Kinnaird R. McKee
John M. DeLargy	Merrill H. Sappington
Newton P. Foss	Randolph W. King
Albert M. Sackett	Joseph L. Coleman
Walter Dedrick	Willis C. Barnes
William H. McLaughlin, Jr.	George F. Ellis, Jr.
	Cleo N. Mitchell, Jr.
Donald T. Poe	Richard E. Rumble
Warren H. O'Neil	Edward A. Boyd
Eugene J. Carroll, Jr.	Joseph W. Russel
Robert H. Wertheim	Ferdinand B. Koch
Frank S. Haak	Justin E. Langille III
Robert J. Hanks	John H. Nicholson
Warren M. Cone	Francis T. Brown
Jeffrey C. Metzel, Jr.	Owen H. Oberg
William L. Harris, Jr.	Kenneth E. Wilson, Jr.
Wycliffe D. Toole, Jr.	
Charles W. Cummings	John G. Williams, Jr.
Max K. Morris	Paul J. Early
Frank W. Corley, Jr.	Fred H. Baughman
William N. Small	John S. Kern
George E. R. Kinnear II	Robert P. Hilton
	Stanley S. Fine
William L. Read	Burton H. Shepherd
Robert R. Monroe	David F. Emerson
Ronald J. Hays	Thomas J. Bigley

Capt. Alene B. Duerk, Nurse Corps, U.S. Navy, for appointment to the grade of rear admiral, pursuant to title 10, United States Code, section 5767(c), while serving as Director of the Nurse Corps.

Lt. Comdr. Thomas K. Mattingly II, U.S. Navy, for permanent promotion to the grade of commander in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

IN THE AIR FORCE

Air Force nominations beginning Alvin D. Aaronson, to be lieutenant colonel, and ending Richard M. Gough, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972; and

Air Force nominations beginning Robert E. Carney, to be captain, and ending James L. Keller, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 1972.

IN THE ARMY

Army nominations beginning James J. Anson, to be colonel, and ending Leonidas R. Littleton, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972.

IN THE NAVY

Navy nominations beginning Angelo C. Alexander, to be captain, and ending Ruth O. Whitfield, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972; and

Navy nominations beginning David D. Abelson, to be lieutenant (j.g.), and ending Ralph T. Williams, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 27, 1972.