The reports do not show individual salaries by name—although Amtrak's annual report will have such a list for all officials earning $30,000 a year or more. The March payroll sheet, however, shows that Amtrak's 10 top executives earned a total of $42,667—or an average of nearly $4,270 a month each.

Amtrak's two most highly paid executives are its president, Roger Lewis, at $125,000 a year, and its executive vice president, J. Richard Tomlinson, $74,000.

OFFICERS, AIDES

Another 25 division officers shared $61,083 in March—or an average of $2,433 each. Thirteen professional assistants received a total of $18,656—or nearly $1,500 a month on average.

Amtrak's clerical and secretarial help has grown considerably as the corporation has expanded. During the first month there were 37 employes classified as clerical and general—and three executives.

By March 1972 the number classified as executive had grown to 35, and there were 201 employes under various classifications of clerk. The company also reported it had 9 stenographer-secretaries earning a total of $6,963 in March, while another 59 steno-typists shared $35,995. The number of dining car and transportation inspectors had expanded from 27 to 67.

EXECUTIVE CHEF

Also shown in March—but not listed at all during 1971—was one dining car chef earning $1,958 a month.

It turns out that Amtrak has hired an "executive chef" whose job description indicates he is responsible for research of on-board food and beverage service. He is also supposed to assist in planning menus and is "responsible for the operation of the experimental kitchen."

At least one Amtrak public relations official was emphatic that the chef—Richard Mack, former executive chef at American Airlines—"does not prepare food" for Amtrak executives.

He explained that Amtrak's executive dining room is catered by the Marriott Corp. Sky Chef division which provides both food and those who serve it.

He added that food in Amtrak's executive dining room sells for $1.75 for soup and a sandwich, and $2.50 for a larger lunch.

Amtrak executive salaries

Roger Lewis, president	$125,000
J. Richard Tomlinson, executive vice pres	74,000
Robert Medvecky, vice president-law	55,000
F. S. (Pat) King, vice president-operations	55,000
Harold Graham, vice president-marketing	50,000
Gerald Morgan, vice president-govt. affairs	50,000
Sydney S. Sterns, vice president-comptroller	40,000
David A. Watts, vice president-planning	37,500
Kenneth Housman, vice president-personnel	35,000
Edwin E. Edel, vice president-public rel	32,500

SENATE—*Wednesday, May 17, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

PRAYER

The Reverend C. Leslie Glenn, D.D., subdean of the Washington Cathedral, Mount Saint Alban, Washington, D.C., offered the following prayer:

O God, who hast created man in Thine own image, we give Thee thanks for these Thy servants who are spending their lives in the service of our country. Bless these evermore dear United States. Grant to all our people grace fearlessly to contend against evil and to make no peace with oppression; and that we may reverently use our freedom, help us to employ it in the maintenance of justice among men and nations, to the glory of Thy holy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 16, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

PRESIDENT NIXON'S JOURNEY TO MOSCOW

Mr. SCOTT. Mr. President, as the President goes to Moscow on a journey which all the doomsayers predicted would not take place, they are wrong again—they are wrong again.

In the press, on the networks, and in the Congress, they do not have the grace to admit their error or even to rejoice in the fact that the President, through his own masterly handling of foreign policy, has taken a strong, bold, and necessary decision in Vietnam. This decision has not met with the predicted repercussions from other nations but has been met, instead, by a responsible attitude and desire on the part of the Soviet Government, as well as that of the Government of the United States, for a continuing rapprochement and an improvement in relations and, I would hope, certain substantive achievements at that conference.

Normally, in the Senate, I would have expected on both sides of the aisle that Senators would rise and express their good wishes to the President on his trip and their hopes for his success based upon their desire for peace in the world. Instead of that, they have been busy opposing an amendment to stop the killing, engaging in futile gestures, and attempting to second guess the President in his role as Commander in Chief.

This is a sad commentary, particularly in contrast to the actions of the Republican Party at the time of the Bay of Pigs and the missile crisis in Cuba and at the time of President Lyndon Johnson's numerous forays into foreign policy. At that time the Republican leadership—those who occupied these very two desks—one at which I now stand—forbore to embarrass the President of the United States, forbore to weaken his hand, and forbore the temptation to engage in political advantage with an absent President engaged on a mission of the highest import.

I hope that they will give the President a chance. I hope that they will give the country a chance. I hope that they will support the President of the United States.

ORDER OF BUSINESS

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

BEYOND "BREAD AND BUTTER"

Mr. MOSS Mr. President, I am grateful for the amplification we have in the Chamber these days. Having reserved this time for a statement this morning, I find that my voice is somewhat gone, so that I will try to keep the microphone in place.

Mr. President, a time of crisis may also be one of reevaluation.

Today, in Southeast Asia, our Nation faces a new and awful peril. As the military position of the Saigon government continues to deteriorate, the United

States has allowed itself to be drawn into a major power confrontation with the Soviet Union. "Vietnamization," long heralded as a panacea, has become a disaster. Designed to disengage us from a limited war, it has in fact brought us closer to total war. Once again, as in Cuba, 10 years ago, we stand at the brink.

Here at home, many Americans are concerned with the course of domestic policymaking. The "new economic policy," spectacularly uncovered last August 15 as a cure to the Nation's ills, has yet to inspire the confidence needed for a vigorous recovery. Even its firmest apologists admit that it is poorly equipped to effect the long-term reforms which people have demanded.

Eight months after its introduction, NEP has, in fact, done more to reinforce the country's economic polarization than to reverse it. Profits rise but unemployment continues. A massive tax-relief program, addressed largely to the business sector, has had little impact on the more than 5 million wage earners unable to find work. Prices, especially for such essential items as food, continue their upward spiral, far outdistancing administration anti-inflation objectives. Even radical Federal intervention into the marketplace has proven unable to stop the rise of wages and prices. An equitable incomes policy remains illusive.

On the international front, the dollar continues its weak performance. Despite last winter's historic devaluation, it continues to lose value in comparison to other currencies.

These issues of jobs, prices, the state of the economy in general, will no doubt be a substantial factor in this year's national election. The early primaries, however, demonstrate a growing public dissatisfaction which goes beyond bread and butter issues. In 1972 many people have begun to question not only the health but the very direction of the national economy. Shocked at the enormous political clout of the giant corporate conglomerates, appalled at the cynical behavior of Government officials who permit these special interests to dominate over the public interest, they want to see a change in the economic power structure.

They are disgusted, too, with a tax system which subsidizes the privileged, taxing gains from capital at a lower rate than gains from labor. They question the equity of tax favors to corporations while the individual, as wage earner and consumer, is left with the greatest burden.

More broadly, many Americans express concern at the growing economic polarization of our society itself, a process the Government appears to be assisting. Resentful of the privileged, fearful of the poor, they wonder what happened to those progressive goals to which we have aspired these many years.

For all Americans, 1972 is a year of decision, a year to set a course. Even as we confront the challenges of the day, we must look back at the record of the past, at the differing policies which have marked the character of previous administrations, the philosophies which have guided their purpose.

In 1968, the Democratic platform could take justifiable pride in the party's 8 years of economic stewardship. Under Kennedy and Johnson, Democratic economic policies brought:

A 90-month period of recession-free prosperity, the longest and strongest period of sustained economic growth in American history;

A slash in the unemployment rate from 7 to under 4 percent;

An increase of nearly 40 percent in real wages and salaries and nearly one-third in the average person's real income;

And, on the 8-year average, a reduction in the rate levels of the individual income tax.

These Democratic accomplishments, mighty in themselves, appear even more impressive when compared to the catastrophic record scored by the Nixon administration these past 3½ years.

Taking office in January of 1969 on a pledge of "fiscal responsibility", the Republicans brought:

The first recession since the Eisenhower administration—which itself presided over three major recessions;

A climb in the jobless rate from a full employment level to over 6 percent in the short space of 30 months—and maintaining a rate of unemployment during these past 3 years so destructive of national income and Federal revenue that it caused the greatest Government deficits in peacetime history, and contributed a full 30 percent to the entire national debt;

The first time since 1893 that the United States fell behind on our balance of trade—we imported more than we exported;

The worst international payments deficit in history—resulting in the first devaluation of the dollar since the 1930's;

The worst unemployment in 10 years;

And the worst annual inflation rate in 20 years—leading to broadscale Federal controls on the Nation's wages and prices, another step unprecedented in American peacetime history.

It would be an understatement to say that economic policymaking under the Nixon administration proved itself out of step with the needs of the Nation.

For 2½ years, the Nixon administration pursued a "game plan" which said that the best way to fight inflation was by cutting back on real economic growth and employment opportunities. This Republican attempt to make a pact with the devil, to buy price stability with other people's jobs, had an awful consequence: More inflation, higher unemployment.

President Nixon resisted all congressional efforts to deal with the worsening unemployment situation directly. He vetoed the Manpower Act of 1970, a bill which would have created 200,000 public service jobs. He vetoed the Accelerated Public Works Act of 1971, which would have put the same number of people to work cleaning up our pollution and protecting the environment.

In August of 1971, the Republican President ordered a 5-percent cut in the 3 million-man civil service, thus destroying 150,000 jobs, the exact number created by Congress under emergency employment legislation the month before.

Above all, the administration reneged on its responsibility to plan and provide for the great economic transition from wartime to peacetime production and priorities, a failure which left 2 million veterans and defense workers unemployed and which kept a large segment of the Nation dependent on continued defense and aerospace spending.

Instead, the administration chose to direct its energies toward the composition of new excuses for high unemployment. For awhile, it pointed to inflation and said that the Nation somehow could not afford full employment. Then it pointed to the "winding down" of the war and the loss of defense jobs. Finally it resorted to the excuse that there are now more women and young people in the labor force. Under the Republicans, in short, full employment has become an impossible dream.

On the issue of prices, the Nixon administration made its position all too clear from the very outset. For the first 2½ years, it was hands off. Prices were not considered the business of government. Jawboning, wage-price guidelines or any other form of incomes policy was out of the question. The effect of this program was to be expected: Historic inflation. Big business, led by steel, saw their chance to make up for the period of restraint they had been encouraged to honor under Democratic administrations. Prices skyrocketed.

Failure to initiate a more moderate form of incomes policy had forced the administration to desperate action by August 15, 1971. Forced to move, the administration threw together a wage and price program overnight; a program which continues to demonstrate its haphazard construction. Wage increases are tied to strict guidelines. Prices are allowed to go up on the basis of "cost factors" with only occasional reference to national anti-inflationary goals. Equity, confidence, and public understanding remain illusive.

Nixon administration fiscal policy, too, has shown a lack of appreciation as to the Nation's real circumstances. While most economists recognized the need for a sharp stimulus to consumer spending, the Republican policymakers continued to emphasize a "trickle down" philosophy, which calls for tax breaks to business firms. Depreciation allowances have been liberalized. Tax deferral systems for firms in the export trade have been instituted. Only recently, the President indicated his support for a national sales or value-added tax. All of these programs have shifted the tax burden from the corporation to the individual—at a time when existing plant and equipment is lying idle due to a lack of consumer spending. The effects of this misguided Republican policy on the overall economy has been all too obvious.

Many Americans have also become deeply concerned at the direction our economy has been taking during recent years. They want to see, not only a return to full employment and stable prices but to a progressive society where Government action supports equity rather than privilege.

Recently a congressional committee released a report showing that the difference in incomes between the lower one-fifth of our society and the upper one-fifth has almost doubled during the past 20 years. Many working people, who have worked hard for years trying to get a

more honest share in their production, are concerned that the Federal Government has worked to support this growing chasm between rich and poor.

They have good reason to believe this. They are told that in 1970, 112 wealthy citizens whose annual incomes exceeded $200,000 paid no taxes whatsoever. They have also discovered that the progressive income tax has become something of an illusion. In 1968, for instance, the moderate income worker making $8,000 to $10,000 a year paid Federal, State, and local taxes at the same rate as people earning $25,000 to $50,000.

Tax inequity is not the only reform issue of 1972. Many Americans are also distraught at the growing concentration of economic power and political clout in the hands of a few corporate executives. As consumers and small businessmen, they have felt the bite of price-setting and collusion by the big conglomerates. One economist estimated not long ago that consumers lose $45 billion a year from the lack of competitive pricing. All citizens are concerned at the brazen performance of corporation lobbyists attempting to insure themselves against prosecution.

Looking forward to the next 4 years, a program for change is self-evident. The American people want, first of all, a renewal of the Democrat's pledge in 1968:

> For those who cannot obtain other employment, the Federal government will be the employer of last resort, either directly or through Federal assistance to state and local projects.

Such a policy is necessary, not only on the basis of humanitarian grounds, but on solid economic ones. Low wages and underemployment will continue to depiete purchasing power when there are able-bodied citizens still out of work. As long as businessmen and consumers are haunted by the specter of joblessness and depleted markets, there will be a growing tendency to put off spending and investment. Uncertainty will propel an endless age of economic slack.

To insure that Government will have the needed fiscal resources, the income tax system must be reformed upon the principle that a dollar of income should be taxed as any other dollar of income, regardless of its source, at the same progressive rate.

Antitrust policy must be pursued vigorously with the intention of removing the monopolistic situations that make price competition an illusion. Monopolists and oligopolists must be prevented from engaging in price collusion and leadership practices which make a mockery of the free enterprise system and destroy our greatest bulwark against inflation—competition.

Overall, the people want a return to the decent, progressive society where the Government tries to modify sharp economic differences rather than contributing to them. They want an end to an era where Government decisionmaking serves the interests of a corporate elite.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

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

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

(Later in the day this order was changed to provide for the Senate to adjourn until 12 o'clock noon tomorrow.)

ORDER FOR ADJOURNMENT FROM TOMORROW, MAY 18, 1972, TO 10 A.M. FRIDAY, MAY 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. Friday.

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

ORDER FOR ADJOURNMENT FROM FRIDAY, MAY 19, 1972, TO MONDAY, MAY 22, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 10 o'clock Monday morning next.

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

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that at 3 p.m. today, the Senate temporarily lay aside the unfinished business, S. 3526, and proceed immediately to the consideration of S. 3543, a bill to amend the Atomic Energy Act of 1954, as amended, and that the unfinished business, S. 3526, remain in a temporarily set-aside status until the disposition of S. 3543 or the close of business today, whichever is the earlier.

Mr. HARRIS. Mr. President, reserving the right to object, and I shall not object, would the distinguished Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield to the Senator from Oklahoma.

Mr. HARRIS. Is there a time limitation on the atomic energy bill?

Mr. ROBERT C. BYRD. There is. There is a time limitation of 2 hours on the bill, 1 hour on an amendment to be offered by the Senator from Pennsylvania (Mr. SCHWEIKER), and one-half hour on any other amendment, debatable motion, or appeal.

Mr. HARRIS. If that bill is not finished this afternoon, would the Senate, when it comes back in session on tomorrow, proceed to consider the proposed legislation that is now pending?

Mr. ROBERT C. BYRD. Mr. President, if the atomic energy bill is not finished this afternoon—which I am quite sure it will be—but in the eventuality it is not completed, the Senate at the close of business today will return to the unfinished business, the State authorization bill.

Mr. HARRIS. Mr. President, that is the way I understood it. A great many of us in the Senate are adamant that the Senate should not set aside the pending debate in regard to cutting off funds for Vietnam. I am pleased the distinguished Senator from West Virginia has previously in his other unanimous-consent request made clear that the Senate is not going to go out of session, that we are going to continue to meet each day.

There is a feeling we could set aside the Vietnam war and related questions from time to time on an ad hoc basis, on relatively minor matters, where there are unanimous-consent requests or where there would be a unanimous-consent agreement on limited time. That is the situation on this request in regard to the atomic energy bill but I want to make clear that a good many of us in the Senate feel we should not lay aside the pending question except temporarily from time to time. This is the major question before the country and the people have the right to have it pending in the Senate.

I hope we can proceed to votes this week, right away, today, on the Brooke amendment, then on the Church-Case amendment, as amended, and then, if there is a motion to strike, on that measure. I think the Senate should proceed with its business and we should decide whether or not we want this war in Vietnam to continue or to stop, and we can stop it if we want to.

I think this ad hoc request now before us to set aside this bill at 3 o'clock is for a limited time only, and then we will go back to the pending matter. That is the way we all understood it. I will not object.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR S. 3526 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately after the two leaders or their designees have been recognized under the order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3526.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

NOTICE ON YEA-AND-NAY VOTES ON ATOMIC ENERGY BILL THIS AFTERNOON

Mr. ROBERT C. BYRD. Mr. President, I would suggest that the attachés in the respective cloakrooms alert Senators to the fact that there will be one or more rollcall votes on the atomic energy bill this afternoon, after the hour of 3 o'clock.

I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. 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.

Is there further morning business?

PREVENTION OF VIOLENCE

Mr. MATHIAS. Mr. President, prescience, the ability to look ahead, to see into the future, is one of the qualities we hope for in statesmen and scholars—in short, in wise men. But it is a quality which is always in short supply. It is, however, a quality which has been exhibited in many fields, on many occasions, by Dr. Milton Eisenhower, president emeritus of Johns Hopkins University.

It was tragically present in Dr. Eisenhower's distinguished and thoughtful report issued as a result of the work of the National Commission on the Prevention of Violence, of which he was the chairman. That report comes to mind in the light of the tragic events in Maryland on Monday, in which Governor Wallace of Alabama was gunned down, and as a result of which he is now a patient in a Maryland hospital with very serious injuries.

Because Dr. Eisenhower's report was impressive, and because it did look to conditions under which a President or a presidential candidate might be the target of an assassin, I think it should become mandatory reading for every Member of Congress and in fact for every citizen of this country. It is an extremely valuable report, which received some passing attention at the time it was issued, but which I think needs to be reread and retained.

So, Mr. President, I ask unanimous consent to have printed in the RECORD at this time the names of the members of that Commission, which included such distinguished Members of the House of Representatives as the majority leader, Representative BOGGS, and the ranking member of the Judiciary Committee, Representative MCCULLOCH, and such distinguished Senators as the Senator from Michigan (Mr. HART) and the Senator from Nebraska (Mr. HRUSKA); the very interesting chapter on the description of a hypothetical assassin; and the conclusions and recommendations of the Commission with respect to political assassinations.

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

NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

The members are: Dr. Milton S. Eisenhower, Chairman; Congressman Hale Boggs; Archbishop Terence J. Cooke; Ambassador Patricia Harris; Senator Philip A. Hart; Judge A. Leon Higginbotham; Eric Hoffer; Senator Roman Hruska; Leon Jaworski; Albert E. Jenner, Jr.; Congressman William C. McCulloch; Judge Ernest W. McFarland; and Dr. W. Walter Menninger.

The staff are: Lloyd N. Cutler, Executive Director; Thomas D. Barr, Deputy Director; James F. Short, Jr.; Marvin E. Wolfgang; Co-directors of Research; James S. Campbell, General Counsel; and William G. McDonald, Administrative Officer.

HYPOTHETICAL ASSASSIN

Thus it might have been hypothesized in 1968 that the next assassin to strike at a President—or presidential candidate, as it turned out—would have most of the following attributes:

from a broken home, with the father absent or unresponsive to the child;

withdrawn, a loner, no girl friends, either unmarried or a failure at marriage;

unable to work steadily in the last year or so before the assassination;

white, male, foreign-born or with parents foreign-born; short, slight build;

a zealot for a political, religious, or other cause, but not a member of an organized movement;

assassinates in the name of a specific issue which is related to the principles or philosophy of his cause;

chooses a handgun as his weapon;

selects a moment when the President is appearing amid crowds.

We do not know with any degree of certainty why these characteristics appear in the presidential assassin. (Certainly the personal attributes can be found in many valuable, trustworthy citizens.) Nor do we know why the assassin politicizes his private miseries or why he chooses to express himself through such a terrible crime. Perhaps he comes to blame his own failures on others. Maybe because he does not live in a true community of men and has no rewarding relationships with others, he relates instead to an abstraction: "the poor" or "mankind." Once his own inner misery becomes identified with the misery of those whom he champions, he places the blame for both on the nation's foremost political figure. Incapable of sustained devotion toward a long-range goal, the assassin is capable of short bursts of frenzied activity which are doomed to failure. Each failure seems to reinforce the self-loathing and the need to accomplish—in one burst of directed energy—something of great worth to end his misery and assert his value as a human being.

CONCLUSION

These are long-range hopes, and responsible citizens must give serious attention to how we can best realize them. For the short range, this nation is not powerless to prevent the tragedy of assassination. We conclude with a reiteration of the steps that can be taken to minimize greatly the risk of assassination:

Selective expansion of the functions of the Secret Service to include protection of any federal officeholder or candidate who is deemed a temporary but serious assassination risk;

Improved protection of state and local officeholders and candidates, and strengthened ties between those holding this responsibility and the appropriate federal agencies;

Restrictive licensing of handguns to curtail greatly their availability;

Development and implementation of devices to detect concealed weapons and ammunition on persons entering public meeting places;

A significant reduction of risky public appearances by the President and by presidential candidates;

A corresponding increase in the use of public and commercial television both as a vehicle of communication by the President and as a campaign tool by presidential candidates.

TRAVEL TO MAINLAND CHINA

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Louisiana (Mr. ELLENDER) I ask unanimous consent to have printed in the RECORD a letter addressed to Senator ELLENDER under date of May 11, 1972, written by David M. Abshire, Assistant Secretary of State for Congressional Relations. The letter deals with the possible interest in travel to the People's Republic of China by Members of Congress and employees of the legislative branch.

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

DEPARTMENT OF STATE,
Washington, D.C., May 11, 1972.

Hon. ALLEN J. ELLENDER,
President Pro Tempore,
United States Senate

DEAR SENATOR ELLENDER: The relationship that is beginning to develop between the United States and the People's Republic of China has resulted in increased interest in travel to that country by members of the Congress and employees of the Legislative Branch. The President has asked the Department of State to assume responsibility for facilitating such travel and to seek your cooperation in preventing any misunderstandings that might set back the developing relationship with the People's Republic of China.

In that connection, it would be very helpful if Members, staff personnel or employees planning to travel to China in either an official or private capacity would inform the Secretary of State before applying for a visa of the purpose of the trip, the dates of travel and the planned itinerary.

The Department will respond promptly to any request for advice on how best to proceed with the application to the People's Republic of China and will inform the intended traveller of any foreign policy considerations involved.

It would be appreciated if this letter would be printed in full in the body of the Congressional Record before being assigned to Committee.

We will be very grateful for your cooperation in this matter.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider nominations on the executive calendar beginning with the U.S. Advisory Commission on International Educational and Cultural Affairs.

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

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The second assistant legislative clerk proceeded to read sundry nominations to the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

Mr. ROBERT C. BYRD. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection. Nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Overseas Private Investment Corporation, Fiscal Year 1971," dated May 16, 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 "Examination of Financial Statements, Bureau of Engraving and Printing Fund, Fiscal Years 1970 and 1971," Department of the Treasury, dated May 17, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS URGING THE CONGRESS OF THE UNITED STATES TO ENACT CERTAIN PROPOSED LEGISLATION TO BE KNOWN AS THE SURFACE TRANSPORTATION ACT OF 1971

"Whereas, Present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system, making the best possible use of all modes of transportation: rail, highway and water; and

"Whereas, The demand for freight transportation is growing three times as fast as the population and will double by 1985; and

"Whereas, Today the surface transportation industry has serious financial difficulties and a weakened transportation system retards economic growth throughout the country, undermines the efficiency of industrial and agricultural production, unnecessarily increases production costs, feeds inflation and handicaps the nation's ability to compete in foreign markets; and

"Whereas, Existing federal policies relating to regulation and financing of surface transportation are outdated and have impeded the progress and health of the transportation industry; and

"Whereas, There is now pending before the Congress the Surface Transportation Act of 1971 (S. 2362 and H.R. 11207), which is a proposal designed to restore and maintain the financial soundness and health of surface transportation, encourage investment, improve competitive balance among and within its various modes and at the same time also improve the process of government regulation; and

"Whereas, Hearings have begun before committees of the Congress on surface transportation legislation; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact the proposed Surface Transportation Act of 1971 with provisions for updating regulations and extending limited financial assistance to the nation's modes of surface transportation, including rail, highway and water transportation; 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, May 10, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles (Rept. No. 92-794).

CHANGE OF REFERENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of S. 3587, to amend the Federal Trade Commission Act, and that the bill be referred to the Committee on the Judiciary. I understand that this has been cleared on all sides.

Mr. SCOTT. That is correct.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TUNNEY:

S. 3618. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROOKE (for himself and Mr. KENNEDY):

S. 3619. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 3620. A bill for the relief of Helene Kasongo Nellis. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3621. A bill allowing employees and annuitants enrolled in Federal health benefits plans to appeal certain determinations of insurance carriers. Referred to the Committee on Post Office and Civil Service.

By Mr. MONDALE:

S. 3622. A bill for the relief of Edmond Assad Awaijane. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3623. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer. Referred to the Committee on Agriculture and Forestry.

By Mr. FULBRIGHT (by request):

S.J. Res. 235. A joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY:

S. 3618. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

OMNIBUS CALIFORNIA WILDERNESS ACT OF 1972

Mr. TUNNEY. Mr. President, the American wilderness, what remains of it, is a precious national resource. It is essential that we preserve areas of wilder-

ness for future generations, so that they may know samples of the native American earth, areas where nature is free of man's dominion. It is also important that we act now to protect areas of wilderness for the rapidly growing number of people, young and old, who are finding that very few natural areas remain.

The Public Land Law Review Commission began its report entitled "One-Third of the Nation's Land," by stating—

> Feeling the pressures of an enlarging population, burgeoning growth, and expanding demand for land and natural resources, the American people today have an almost desperate need to determine the best purposes to which their public land . . . should be dedicated.

Today, recreational use of wilderness areas, where man can meet nature on nature's own terms, is among the fastest growing forms of leisure pursuit.

California is now our most populous State, yet we have a remaining legacy of wilderness in California. A number of fine wilderness areas are in State ownership and I am much encouraged by the steps our California Legislature has recently taken to establish policies for designating and preserving State wilderness lands. But most of California's remaining wilderness heritage is found on the Federal lands, in our national parks and monuments, national forests, national wildlife refuges, and on public domain lands administered by the Bureau of Land Management.

Already, the Congress has designated 17 wilderness areas in California under the protection of the national wilderness preservation system established by the 1964 Wilderness Act. These areas, totaling 1,600,000 acres, are a good first step in securing "an enduring resource of wilderness" for the people of California and visitors to our State to use and enjoy. But much more remains to be done in planning for additional wilderness areas, in working out boundary recommendations with the help of managing agencies and the public, and in securing congressional designation of these areas.

Today I am introducing a bill which gathers into one piece of legislation all those wilderness area proposals which have now reached the stage for consideration by the Congress.

The Omnibus California Wilderness Act I am proposing embodies 14 new wilderness units, representing every region of our State. Together, these 14 proposals total 1,725,000 acres. Four involve wilderness within national parks or monuments. One is a national wildlife refuge wilderness. The other nine embrace areas within our national forests. Of these nine, two are areas on which official proposals have been submitted by the Forest Service, while the remaining seven have been developed independently by local citizen groups in each vicinity.

Before describing these 14 areas briefly, let me say that the wilderness preservation program has enormous support among the people of California. This program represents, in my opinion, one of the finest Federal land decision-making programs I know, for it is built upon a process that expressly provides for maximum participation by interested citizens at every step as proposals are developed and considered. And it allows the opportunity for citizens to bring their own proposals directly to the Congress, when agencies are unwilling or unable to act.

In the case of each of the proposed wilderness units included in this legislation, local citizen teams have organized to carefully study the area of land in question and to arrive at their own independent citizen proposals for wilderness boundaries. Under the procedures set up under the Wilderness Act, these citizens have had an opportunity to present their proposals for some wilderness areas at public hearings and by letter for the further consideration of the managing agency. For other areas, which have had no official hearings, local citizens have endeavored to work closely and cooperatively with local Forest Service officials.

In almost every instance, this healthy process of public participation has resulted in improvements to the agency's own preliminary ideas on boundary locations.

On a more fundamental level, this process has also brought to the surface differences in planning concepts and criteria between the citizen groups and the administrative agencies. Questions of how best to situate wilderness boundaries, and on the basic judgments of what areas should be designated wilderness have frequently resulted in differences between Federal agencies and the public. The result is that these involved citizens feel that official proposals sent to the Congress should, in some cases, still be amended to round out a proper wilderness unit.

These are, of course, ultimately matters of judgement on how the land should best be used and dedicated. Fortunately, under the set of procedures established by the original Wilderness Act, the ultimate decision on the qualification of an area for wilderness and on what the size, shape, and boundaries should be is up to the Congress. On the basis of individual review by the committees of Congress, who look at the background and who hear from agencies and the public, there is full opportunity to amend the proposals where this proves desirable. In other words, this program allows for a whole series of reviews, at each step of which the public is consulted, before an area is designated as wilderness. Once designated, each such area has the full strength of law to protect it in its natural condition, allowing untrammeled natural forces to operate freely, and preventing the kind of piecemeal development that has now altered almost all of our continent.

As Congress considers each wilderness proposal, it has before it the formal recommendations sent up by the President, representing the views of the administering agencies. In the case of these California areas, however, many of these agency proposals are still disputed by local people who feel the boundaries should be expanded or otherwise altered. In order to assure that the citizen-prepared alternative proposals have full standing for consideration by the Congress, I have asked the various citizen groups interested in these California areas to give me their recommendations. The bill I am introducing today, primarily embodies these citizens proposals in each of those instances where there is a difference from the official agency recommendations already lying before the Congress.

Thus, Mr. President, this is not just an Omnibus California Wilderness Act, but in the true sense, an omnibus California citizen wilderness act, giving each citizen proposal full stature as a viable alternative to the recommendation of the administering agency. This, I believe, is as it should be, for I am persuaded that in many instances, the alternatives suggested by citizen groups go further toward truly fulfilling the initial intent and policy of Congress, as expressed in the Wilderness Act:

> In order to assure that an increasing population, accompanied by expanded settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

NATIONAL PARK WILDERNESS

Lassen Volcanic National Park: Within this superb national park in northern California, the National Park Service recommends designating 73,000 acres as wilderness in three separate units. Of the total of 106,000 acres within the entire park, many California citizens believe that approximately 101,000 acres are suitable and should be considered for full wilderness protection.

Lassen Volcanic National Park was established in 1916 and features the evidence of quite recent volcanic activity. Indeed, the main peak, Lassen Peak, erupted frequently between 1914 and 1921. Amid this volcanic landscape is a mountainous expanse of open panoramas, clear blue lakes and beautiful forests which are truly wild and should be preserved as wilderness.

Much of the difference between the citizen proposal reflected in this bill and the more conservative Park Service proposal results from a tendency of the National Park Service to set wilderness boundaries far back from existing developments, thus leaving wide zones of wild land unprotected and susceptible to encroaching development. The best protection for the core of a wilderness area is to be obtained not by excluding a buffer or threshold around the wilderness but by extending its boundaries as far out as possible to protect its threshold from gradual encroachment.

At a public hearing in 1966, 85 percent of those participating called for a larger wilderness area. I have added a special provision to the section of this bill dealing with Lassen Park. It seems that in 1916, the original park legislation reserved to the Bureau of Reclamation the right to enter the park and develop Government water reclamation projects. This would, of course, pose a critical threat to the natural and wilderness qualities of the park. So long as that

opening remains on the books, this park and its wilderness is less than properly protected. Hence, I have added a special provision to this bill which rescinds that aspect of the 1916 law. Together with permanent wilderness designation for all the suitable lands within the park, this will represent a substantial strengthening of our protection of this unique wild area.

Lava Beds National Monument: Located near the Oregon border, Lava Beds National Monument features an area of relatively recent lava flows, together with lava tube caves and related volcanic features. Of the 46,000 acres within the monument, the National Park Service proposes to designate only 9,197 as wilderness, arguing that minor intrusions and the need for more road building preclude wilderness designation of the larger central section of the monument. Many citizens have taken strong exception to this view, noting that a new road will not open up any kinds of features which are not presently accessible along the existing roads. Worse, however, than its lack of real purpose, this road and the traffic across it would constitute a considerable blight and interference with the scenic vistas which visitors may now enjoy out across the wilderness of the lava beds landscape. In addition, a new road would jeopardize the reintroduction of bighorn sheep which has just begun at the monument.

The National Park Service also suggests that, as a matter of policy which they read into the Wilderness Act, this area cannot be designated as wilderness now, because there is one outstanding life tenure lease permitting the grazing of sheep for a few months out of each year. I have reread the Wilderness Act, and I simply find no such provision. The act, in fact, permits established grazing to continue within national forest wilderness. To designate this area as wilderness will not degrade its protection, but strengthen it. The grazing is an altogether temporary intrusion, which should not be construed to interfere with the larger public interest in securing protection for this area as wilderness. I believe the Park Service is wrong in this policy. We should be taking the long-term view, seeking the most effective ways to secure wilderness, not finding every shaky excuse to avoid it.

At a public hearing in 1967, 70 out of 80 respondents favored a proposal larger than the National Park Service proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of a statement which I submitted to the House Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, which recently completed its hearings on the Lassen and Lava Beds wilderness proposals.

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

STATEMENT OF SENATOR JOHN V. TUNNEY TO SUBCOMMITTEE ON PARKS AND RECREATION OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. Chairman, I welcome this opportunity to make a statement to this Subcommittee on National Parks and Recreation. I remember fondly the years I spent in the House and particularly the solid education in thorough study of legislation which I acquired through my service as a member of this Committee.

I want first to offer special congratulations to my friend and colleague from California Bizz Johnson for his interest and initiative in introducing these two wilderness bills and working to bring them to the point of consideration in this hearing today. Bizz has demonstrated, in his support for the Desolation Wilderness, in his efforts on these two important National Park System wilderness proposals, and in his recent introduction of the Emigrant Wilderness proposal, an interest in the wilderness program and a balanced approach to the consideration of specific proposals. I know the conservation-minded people of California, statewide as well as his own area, join me in saluting his interest and leadership.

Mr. Chairman, I am here today to strongly support the proposals for designation of wilderness areas within Lassen Volcanic National Park and Lava Beds National Monument. I am pleased by the proposals put forward by the National Park Service, for I know they reflect the thoughtful effort of the superb people in that agency. Nevertheless, I believe both proposals can be improved. This is not to denigrate the Park Service proposals, but simply to recognize that these proposals were completed in 1966 and that the direction, policies and public enthusiasm for the wilderness program has been growing and evolving in the ensuing period. I am confident that were these proposals being just initiated today, the Park Service, too, would come up with a somewhat different approach. I commend them for their flexibility and sound response to the overwhelming position of the public at the 1966 and 1967 field hearings on these proposals. I trust that all of us will recognize that further improvements in these proposals here in the Congress are a common achievement, in which we all join to bring out a final result that is in the best tradition of full protection for these important park system units and in the best long-term interest of the American people.

I have been able to review the Park Service proposals and to consider the suggestions made by many citizens in California for improvements. I note especially that these improvements had the very strong, indeed overwhelming support of the public who commented at the 1966 field hearings.

I understand that at the 1966 public field hearings 85% of the those participating called for a larger wilderness proposal than that of the National Park Service. I believe these improvements are desirable. I find them to be based on careful and dispassionate analysis, field studies that reflect a careful consideration of the land itself, and a balanced consideration of the various forms of park use which are desirable.

Mr. Chairman, specifically I want to express my support for enlargement of both of these proposals, enlargements that would result in two wilderness units in Lava Beds National Park, encompassing a total of some 37,000 acres, and two wilderness units within Lassen Volcanic National Park, totaling 101,000 acres. The changes beyond the very good starting proposals of the National Park Service follow directly from several fundamental policy changes I support such as moving the wilderness boundary out to the park boundary itself, rather than excluding a buffer area for which no real purpose has been demonstrated and moving the wilderness boundaries down to the proximity of existing roads and developed sites, which will protect the maximum area of wilderness, best insulate the core of the back-country, and provide a more readily discernable physical boundary location, all without in any way conflicting with existing patterns of public use and park management.

Mr. Chairman, in addition, I would like to urge you to consider the early phasing out of certain uses and facilities in these two areas which are altogether inappropriate in park wilderness. In Lava Beds, for example, I would hope that it would be possible to get the minor power and telephone line out of the wilderness and buried along the park road at an early date.

We have a lasting obligation, Mr. Chairman, to secure our precious National Park System areas as an enduring resource, a font of refreshment in the natural world for the American people for many generations into the future. This imposes a need to be somewhat self-restricting in our actions today, to assure that some short-term need is not met at the expense of the long-term preservation of the basic natural resource. The National Park Service has a distinguished record of stewardship of these areas. In this, the centennial year of the very idea of national parks, it is fitting that we re-dedicate ourselves to the task of preserving these superlative areas. This is the value of the Wilderness Act and the wilderness process; that we consciously choose to set the limits of statutory protection upon these treasured wild areas. This is a concept and a dedication that is widely supported by Californians and the public at large. I appreciate this Committee taking up these two proposals at this time and I urge you to consider the desirability of enlarging these two proposals as I have outlined here.

Mr. TUNNEY. Mr. President, I refer now to Pinnacles National Monument.

Of the total of 14,500 acres within this monument, situated in the coastal range of central California, the Park Service recommends 5,330 acres as wilderness. The monument encompasses the Pinnacles themselves, outcrop remnants of ancient volcanism, now a noted challenge to rockclimbers, as well as a fine sample of the coastal chaparral and associated animal life.

Here again, the National Park Service wilderness proposal excludes the greater portion of the monument lands, and for no apparent good reason. Principally, the Park Service desires to exclude the northern area because it has future plans for a road across the area. The visitor who comes to the monument to enjoy its special values has no need of a road to cross it. This is a small area which could easily be destroyed by the entrance of roads and motor vehicle traffic. In fact, this proposed road likely would most likely soon degenerate into little more than a fast shortcut across the mountains for a nonpark traffic. The sacrifice of wilderness, peace and quiet, and nature's own dominion in this small area is too high a price to pave away so needlessly when so few such areas remain.

The citizen proposal embodied in my bill embraces all but the developed sections of the monument, and totals some 13,000 acres.

In 1967 at a public hearing, 17 out of 19 private organizations and 171 out of 187 individuals favored a larger wilderness area than that proposed by the National Park Service.

SEQUOIA-KINGS CANYON NATIONAL PARKS

These two national parks, which adjoin each other and are jointly administered, offer one of the finest large wilderness areas in all of our national park system. Here in the heart of the Sierra

Nevada, lies Mount Whitney and its surrounding high peaks, set about with sparkling lakes and alpine meadows of great beauty. The two parks encompass some 847,000 acres, of which the National Park Service proposed to designate 722,000 as wilderness excluding large areas at Cedar Grove, along Sugarloaf Creek, around the Giant Forest and around the borders of the east fork of the Kaweah River, and in the superb lower country west of the Generals Highway.

Citizens groups have noted that these exclusions are excessive, and suggest that wilderness boundaries should be brought down to the edge of existing developed areas. In addition, they have disagreed with the total exclusion of any area west of the main road, for these wild areas would be more accessible, and available for a longer season than the higher mountain country. Here again, some areas are excluded because of existing grazing permits, and this seems totally unnecessary.

On the basis of their own field work and considerations, local citizen groups have prepared an alternative proposal which would designate 830,000 acres of these two parks as wilderness. Together with adjoining national forest lands which are now designated as wilderness, or which should be, this area will constitute one of the largest unbroken areas of mountain wilderness in the country.

During the public hearings held on this proposal in 1966 a total of 311 individuals and private organizations favored a larger wilderness area while 26 private organizations and individuals supported the National Park Service proposal.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement which I submitted to the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, and on which proposal the subcommittee, of which the distinguished Senator from Idaho (Mr. CHURCH) is the chairman, has commenced hearings.

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

STATEMENT OF SENATOR JOHN V. TUNNEY TO THE SUBCOMMITTEE ON PUBLIC LANDS OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. Chairman, I welcome this opportunity to appear on behalf of the preservation of the wilderness within two of our greatest National Parks, Sequoia National Park and Kings Canyon National Park. These two parks are situated adjacent to each other, together embracing the magnificent high country of the central Sierras.

Under the mandate and procedures set down in the 1964 Wilderness Act, we now are considering what portions of these two parks should be further designated for the additional protection afforded by the Wilderness Act. The National Park Service is recommending that 722,000 acres of the two parks be designated as one contiguous wilderness area.

Mr. Chairman, this is a good proposal. But it is flawed by a number of exclusions which appear to be unnecessary. I share the hope of many Californians that you will, on the basis of this hearing, see fit to revise and perfect this proposal. Altogether, some 830,000 acres of the two parks appear to fully qualify for and merit wilderness protection.

I understand that during the field hearings on this proposal in 1966, a total of 26 private organizations and individuals supported the National Park Service proposal while 311 private organizations and individuals supported a larger wilderness area.

As a general rule, it appears desirable to bring the boundaries of wilderness within a park down to the proximity of roads and developed sites. However, the Park Service proposal excludes from wilderness extensive swaths of land along all roads, particularly in the Cedar Grove section of Kings Canyon National Park and along the Generals Highway through Sequoia National Park. I recommend that the boundaries be drawn down to the road. Similarly, I see no justification or necessity for the ⅛th mile buffer exclusions along the park boundary.

Within Kings Canyon National Park, in the vicinity of Sugarloaf Creek and Sentinel Ridge, the Park Service proposal would exclude a large section of the park from wilderness simply because of the presence of established, authorized grazing use. Nothing in the Wilderness Act specifies or implies that established grazing is in itself cause for excluding the grazed area from wilderness designation. Indeed, the Act specifies for national forest wilderness that established grazing shall not be affected. I recommend that this area be included within the wilderness under the same concept.

Two large units of park wildland lie to the west of the Generals Highway in Sequoia National Park. These two areas—Redwood Canyon and Yucca Mountain—offer their own important wilderness values and opportunities. The Park Service proposes no wilderness within these two units, but again, I share the view of many California citizens who believe this is valuable wilderness land that merits and deserves wilderness status.

As you know, the still-unsettled issue of possible major ski development in Mineral King Valley raises a question on the use of lands within Sequoia National Park, which virtually surrounds that small area of national forest land. The matter of what development will take place within Mineral King itself remains to be decided.

I understand that on Tuesday of this week the Disney Corporation announced that it was scaling down the size of its proposed development at Mineral King. Of particular importance to this hearing was the announcement that the Corporation no longer plans a major highway into Mineral King. Instead access to the proposed Mineral King site would be by the use of a railway along the existing roadbed. Because of this announcement, I believe we can be more specific now about the impact of such development on the surrounding national park lands. Sequoia National Park should not merely be considered as an adjacent "buffer" for Mineral King. National Parks are established for a specific purpose—to preserve their natural features and, within that limiting condition, to make these natural features available for public use and enjoyment in ways which will not impair them for the benefit of future generations. I find it difficult to reconcile that stern mandate with the idea of excluding great areas of Sequoia National Park around Mineral King for possible development support facilities. I believe that all of the land surrounding the Mineral King Valley should be designated as wilderness, excluding only the simple corridor necessary for the low-standard access road which crosses Sequoia National Park. This road would be adequate for access to Mineral King under the latest-development plan. If Mineral King is to be developed for skiing—then let that use and development be confined within the national forest area, and entirely self-contained, not imposed upon park lands which are set aside for other purposes, for all the people and for future generations.

Within Sequoia National Park and Kings Canyon National Park the Park Service proposal would exclude a number of small nonwilderness "enclaves" from wilderness designation. These involve a number of automated precipitation measuring devices and radio transmitters in the high country which provide hydrologic data for the prediction of snow pack and water yield. For each such device, the Park Service would designate a nine-acre enclave. There would also be three such enclaves around small trailside shelters. As can be seen from the map, these enclaves will be scattered all through the heart of the wilderness. The question, as I see it, is are these enclaves really necessary? I find it difficult to believe that the Wilderness Act is quite that pure and sticky a document. In fact, I don't believe it is.

This situation reminds me of the discussions we had when I served on the House Interior Committee. We wanted to put Desolation Wilderness into the system, but some were worried about a number of snow courses and data telemetering installations like those in these two parks. The upshot was that the Forest Service explained that such devices, which serve an important public purpose involved in the proper management of the area, were permissible under their interpretation of the Wilderness Act. We are talking about the same Wilderness Act here today, so we should apply the same standards. I find nothing in the Wilderness Act that positively forbids a reasonable number of unobtrusive existing facilities of this kind or that necessitates isolating each one in a nine-acre non-wilderness enclave.

Mr. Chairman, I urge this Committee to direct the Park Service to do away with these enclaves and I believe you would facilitate a common sense resolution of this policy problem by a few sentences in your report specifying that such features, where necessary for public purposes, can be accommodated within designated national park wilderness.

There are five much larger enclaves in these two parks, ranking from 130 to 482 acres in size. These are supposed to be necessary to provide for "developed campsites with shelter, water supply and sanitation facilities" in these areas of concentrated wilderness use. Here again, I believe the concept of these enclaves is most undesirable.

First of all, primitive wilderness campsites are a traditional and entirely permissible feature within wilderness areas. Nothing in the Wilderness Act precludes such public use facilities. The Act merely specifies that they be of a minimum nature, so as to avoid encroachment on wilderness values by grandiose, excessive developments that destroy the wilderness environment. Today's wilderness user carries his own shelter in the form of the many kinds of light-weight and inexpensive tents available for sale or rental. Unless we are going to build a shelter for every user, there would simply be a competition factor for the one or two shelters that are built. I see no need for these facilities, which would really be out of place in this wilderness environment. Sanitation facilities are clearly permissible in wilderness, as are facilities necessary and essential for public health and to protect the wilderness itself. Water supply, where it must be provided by hand pumps to assure a potable supply, can be provided for within wilderness areas.

Moreover, Mr. Chairman, the kind of massive concentrated use development that could take place in these huge enclaves, without the protections of the Wilderness Act, are simply not wise in this wilderness setting. Let me just cite as an example, the 200-acre enclave proposed at Rae Lakes, along the route of the John Muir Trail.

Last July, at the direction of Secretary of the Interior Morton, the Secretary's Advisory

Board on National Parks, Historic Sites, Buildings and Monuments divided into teams to make on-the-ground inspections of the condition of our national parks. One such team went to Sequoia-Kings Canyon. During their visit, they went to Rae Lakes, to this proposed 200-acre enclave. I will let their report to the Secretary speak for itself:

A team helicopter trip to the Rae Lakes camp-ground at timberline afforded an opportunity to appraise problems of the high country directly. It was satisfying to observe that there has been a high degree of recovery by this slow-growing vegetation since the destructive sheep grazing of the late 1800's and the overuse of meadows by pack animals thereafter. A summer ranger is stationed at Rae Lakes, and the good effects are evident in the excellent sanitation standards of the camps and trails. We note that some 8,000 people hiked and camped through this country in the past year, and we suspect that this is near the allowable limit. We do not believe that there should be any attempt to enlarge facilities for more intensive use.

Now, Mr. Chairman, that is what the Secretary of the Interior's own Advisory Board on National Parks had to say about plans to further develop the Rae Lakes, and the same holds true for similar high country camps.

Minimum facilities to protect the wilderness and the health of the visitors are permissible under the the Act, specifically sanitation facilities and measures to assure potable, protected water supply. Beyond that, more development of the kind that would be possible in a non-wilderness enclave would be highly damaging to the very point and purpose of protecting the wilderness in the first place. I urge you to do away with all of these unnecessary enclaves entirely and to designate a continuous, unbroken expanse of true widerness in these parks.

Finally, Mr. Chairman, let me just say that I strongly support the wilderness concept and the designation of appropriate areas under the Wilderness Act. I know that the National Park Service, like the other agencies, has been doing a conscientious job in preparing its wilderness recommendations. Nonetheless, the Wilderness Act brought back to the Congress the ultimate power to decide on boundaries, in order that we could assure that all suitable, qualified and desirable wild land is properly protected. This is a very important effort for the future of our national parks—it is the means for securing and preserving the very fundamental resource of our parks, which is their native wilderness environment. I urge this Committee to make the kind of improvements in this particular proposal which I have outlined.

NATIONAL WILDLIFE REFUGE WILDERNESS

Mr. TUNNEY. Mr. President, with regard to the Farallon National Wildlife Refuge—the Farallon National Wildlife Refuge consists of a group of rugged and picturesque islands extending over about 7 miles of the Pacific Ocean off the entrance to San Francisco Bay. These islands are an important sea bird rookery, hosting upward of 150,000 birds each summer, as well as seals and sea lions. Under this bill, which is identical to the recommendation of the Bureau of Sport Fisheries and Wildlife, 141 acres of these islands will be designated as wilderness, affording additional protection to insure the integrity of the great natural values of these islands. I share the hope expressed by Secretary of the Interior Morton that the State of California will take all possible steps to strengthen the protection of this valuable ecosystem by including adjacent submerged lands within a State-designated wilderness area, or donate these lands to the Federal Government for inclusion in this unique island wilderness.

NATIONAL FOREST WILDERNESS

EMIGRANT WILDERNESS

The formal Forest Service proposal for this area was sent to Congress just recently, and calls for designating 106,910 acres of wilderness, most of which constitutes the reclassification of the existing Emigrant Basin Primitive Area originally established in 1931 by administrative order. This important area lies in the High Sierra Mountains, contiguous to the north boundary of Yosemite National Park. Together with the substantial area of wilderness to later be designated as wilderness within the National Park, it will constitute a most important area, protecting a surprisingly fragile natural system.

Unfortunately, the Forest Service proposal would exclude from wilderness protection a 6,000-acre area known as "Exclusion 2," situated in the headwaters of the East Fork of Cherry Creek near Snow Lake. This area contains a number of mineral claims involving what are described as small marginal deposits of tungsten ore. A 21-mile miners jeep track reaches into the area from the nearest highway. There are a number of small improvements which have been built in connection with the mineral claims.

Many citizens have stressed to me the critical danger which this 6,000-acre exclusion poses to the surrounding wilderness. As is clearly seen from a regional map, this area lies virtually in the center of a large area of otherwise unbroken wilderness: Yosemite National Park, is contiguous to the proposed exclusion on the south, the proposed Emigrant Wilderness surrounds the area to the west and north, and a large area of potential wilderness directly to the east is being studied for possible addition to the existing Hoover Wilderness. The mineral claims area at Snow Lake lies in the precise center of this wilderness region, with the 21-mile access route striking into its very heart. Any longterm adverse development of this area would be harmful to the wilderness resource values surrounding it. I believe the Forest Service should act in any and every way possible, with the utmost urgency, to acquire these mineral claims and remove all minor improvements, putting the access route "back to bed" and restoring the wilderness scene.

This is not the Forest Service intention, it would seem. They propose, instead, to exclude this area from the protection of the Wilderness Act and to merely classify it administratively as a scenic area "for primitive type recreational use." Under this plan, they say that "scattered recreational improvements which blend with the landscape will be permitted."

However, the problematical mineral claims are not some minor annoyance to be hidden away under the pretense of administrative protection, and then developed with "scattered recreational improvements." This is the very heart of a superb wilderness, lying immediately on the boundary of one of our finest and most treasured national parks. The kind of stewardship needed here is not passive acceptance of adverse uses, but a determined and urgent priority for removing the threat that these mineral claims pose to the greater wilderness values. The Wilderness Act allows for this.

One of the most important issues here is thus whether the mineral claims—except in instances of true national need—should preclude the designation of this area as part of the wilderness system. Many California citizens feel that they should not.

I share the grave concern of local citizens in the surrounding area who want to see this dire conflict of values settled immediately. Hence, this bill proposes to proceed now to designate the additional 6,000 acres for inclusion as wilderness, and I will want to investigate fully, at the time of hearings on this measure, the full range of options available to the Federal Government to assure that adverse impacts of any mining are avoided.

AGUA TIBIA WILDNERNESS

This area is a part of the Cleveland National Forest situated north of San Diego at the northern end of the Palomar Mountain Range. The original Agua Tibia Primitive Area, established in 1931, included 26,760 acres. In their preliminary recommendations, the Forest Service suggested that 7,774 acres be classified as wilderness, with the balance excluded. However, nearly 10,000 acres of exclusions elsewhere were overwhelmingly opposed by the citizens who participated in the public hearing. Now the Forest Service has submitted its final proposal to Congress, and they have very admirably expanded their original proposal to 11,920 acres.

Nonetheless, local citizens have advised me that they still feel that a larger area is most desirable, and disagree sharply with the conclusion of the Forest Service that the disputed areas do not qualify as wilderness. They continue to recommend the position which was overwhelmingly supported at the public hearing, calling for designation of a wilderness of 16,410 acres which will encompass and protect the peak of Agua Tibia Mountain and the drainage of Arroyo Seco Creek.

A public hearing was held in 1971. Forty-nine oral presentations were made and over 1200 letters were received. The participants were unanimous in requesting that parts of the primitive area be reclassified as wilderness. Of the 49 present, 39 groups and individuals supported an enlarged wilderness area of 16,410 acres. Of the 1200 letters received 816 favored the larger wilderness proposal.

NATIONAL FOREST DE FACTO WILDERNESS

Seven of the National Forest wilderness areas proposed in this bill involve areas for which there has been no formal Forest Service wilderness recommendation. In these areas, local citizen groups have developed their own, proposals working with the Forest Service where possible, but not detered by an apparent unwillingness by the agency to cooperate or to initiate any efforts of their own to get these particular areas protected while protection is still possible.

These areas, unlike the Emigrant and Agua Tibia proposals, do not involve the reclassification of a preexisting National Forest Primitive Area. Hence, no special wilderness study for them was required by the letter of the 1964 Wilderness Act. Unlike the Primitive Areas which were required to be studied, these areas have had no guarantee of interim protection from logging or other disruption pending real efforts to designate appropriate areas as wilderness. As a result of this situation, these lands represent the most threatened kind of wilderness most in need of immediate protection. These are de facto wilderness areas.

I am pleased to learn that the Forest Service has quite recently initiated a program to inventory all roadless areas and select "new study areas" for future consideration as wilderness. That effort is going forward on the National Forests in California now and initial Forest Service recommendations are now the subject of a series of public meetings around the State. This is all well and good, but I don't believe a once over lightly, general survey is any substitute for the kind of thorough study that should go into wilderness decisions.

Thus, it seems to me that the Forest Service has a very real obligation to recognize that remaining de facto wilderness has, by the very fact of its survival as such this long, a presumption of relatively low values for other forms of use. There is no need for hasty or ill-considered decisions that result in failure to seriously consider and properly study the wilderness potential of each and every such area.

The de facto proposals involved in this bill have been thoroughly studied by citizen groups. I have been very favorably impressed by the kind of thorough documentation and objective analysis that lies behind each of these proposals. I regret that the Forest Service has not yet initiated its own official studies, and I hope and trust that they will. I believe it is essential that the wilderness values of these areas receive recognition and consideration in the Congress. I would hope that these areas, like the several national forest de facto proposals which have already been passed by the Senate, could receive prompt and sympathetic consideration in hearings before the Committee on Interior and Insular Affairs.

SNOW MOUNTAIN WILDERNESS

The proposed Snow Mountain wilderness is located in the northern coast range west of the town of Willows. Three counties, Lake, Colusa, and Glenn, are represented in this proposal which includes all of Snow Mountain, the Middle Fork of Stony Creek watershed, and much of St. John Mountain.

Here is a wilderness rich in native flora and fauna. Vegetation types include grasslands, mountain meadows, many chaparral types, canyon oaks, oak woodland, mixed conifers, high elevation red and white fir, and others. Rare and unusual plant species are found on 7,056-foot Snow Mountain and throughout the area. The wild middle fork of Stony Creek supports a fine native trout fishery.

This land was first set aside by President Theodore Roosevelt as the Stony Creek forest reserve in 1907. Current Forest Service plans would allow a highway to slice through the area as well as timber harvesting, brush conversion, and motorized travel in much of what is wild today. Congressman ROBERT L. LEGGETT, recognizing the need to preserve this portion of his district, has sponsored the Snow Mountain wilderness proposal, which is cosponsored by 15 other Members of the House. Senator ALAN CRANSTON and I have already jointly sponsored an identical Senate bill, S. 2680. I should also add that this proposal has the active endorsement of many local groups and that the boards of supervisors for all three counties involved—Lake, Colusa, and Glenn—are on record in support. I am delighted that Senator FRANK CHURCH will begin hearings this week on this proposal.

Snow Mountain is ideal for wilderness classification because of its rugged character, opportunities for solitude, very low values for timber harvest or other economic uses, and its sensitive watersheds, which require minimum disturbance to insure against damage.

SAN JOAQUIN WILDERNESS

This crucial wilderness proposal involves 50,500 acres of wilderness lying along the crest of the Sierras in the Inyo and Sierra National Forests just south of Yosemite National Park. It is the missing link in an otherwise unbroken expanse of wilderness which extends from the Tioga Pass Road through Yosemite, south all the way to Mount Whitney and beyond. Only this area remains outside of protection afforded to the rest of these mountains by already designated national forest wilderness and by the wilderness areas being proposed within Yosemite, Kings Canyon, and Sequoia National Parks.

The awesome canyons of the North and Middle Forks of the San Joaquin River dominate this area. Of his experiences in the canyon of the North Fork, John Muir once said:

> This Joaquin Canyon is the most remarkable in many ways of all I have entered. An astonishing number of separate meadows, rich gardens and groves are contained in the canyon, and it is a composite Yosemite Valley with huge black slate rocks that overlean, and views reaching to the snowy summits.

Indeed, as these comparisons might suggest, much of this area once was within Yosemite National Park, but was excluded in 1905. As a result, only this area across the Sierra Summit has been left unprotected.

My friend, Congressman JEROME WALDIE, together with 12 other California Congressman, has introduced legislation in the House to designate this area as wilderness. The proposal I am introducing today is identical.

GOLDEN TROUT WILDERNESS

The proposed Golden Trout Wilderness comprises an area of High Sierra wild country, 260,000 acres in size, which adjoins Sequoia National Park on the south. This is a natural continuation of the unbroken expanse of wildland which extends all the way south from Yosemite National Park.

This area is presently administered by the U.S. Forest Service as a part of the Sequoia and Inyo National Forests. For many years, California citizens groups have been urging the Forest Service to designate this great area, which many know as the Kern Plateau, for wilderness protection. The response has not been very encouraging. While the Forest Service has outlined an area as the Golden Trout Study Area, which they propose to study for wilderness potential, this area does not include all of the area as proposed by citizen groups. The balance of the area, if not protected in any special way, will be considered open for multiple use management. As a result, timber sales and logging roads will continue to erode the southern edges of the area. Today, only about one third of the de facto wilderness remains, compared with what existed in this region 10 years ago.

Yet, a good case has been made by citizen groups that this full area is of wilderness quality and should be preserved as such. This is an extraordinary area, unique in many ways.

At its heart is Golden Trout Creek, the native habitat of the golden trout, California's State fish. This is a separate trout species which developed its unique golden brown coloring in isolation from other trout, resulting from the isolation of Golden Trout Creek. This extraordinary ecotype cannot withstand heavy fishing pressure. Designation and management of this area as wilderness will be a key step in preserving the golden trout.

I am including in this bill the proposal that the entire golden trout area be designated as wilderness and retained in Forest Service administration as such. However, my sponsorship of this particular approach is not intended to prejudge the possibility of an alternative means of securing preservation of this full area, namely redesignation of the area to be an addition to Sequoia National Park, with jurisdiction transferred to the National Park Service and simultaneous designation of the area as wilderness.

The objective is to secure wilderness protection for this area, is whatever jurisdiction that is best assured. A bill adopting the national park approach has been introduced in the House by Representative THOMAS REES. It embraces the same area as involved in my proposal here. Representative REES and I agree that the attitudes and support of these two agencies will determine which way we will both ultimately decide to go with this proposal. Certainly, when this proposal reaches the stage of congressional hearings, I will want to hear from both the Forest Service and Park Service as to their respective interests in this area, and that will aid me in judging which alternative I will ultimately support.

SISKIYOU WILDERNESS

This is a 153,000 acre wilderness unit lying in the rugged and still relatively remote part of the northern California Coast Range. The area is situated along the high divide between the Klamath and Smith rivers, and offers an unusual diversity of biological features. The steep slopes are quite unstable, and the soils

are fragile and easily eroded. Yet, across the crest of this area the Forest Service proposes to develop a "scenic highway." Such a road would, of course, sever the unity of this area, disrupting its wilderness qualities irreparably.

There have been earlier efforts to secure a wilderness study for this area, but these have proven unsuccessful. The Forest Service has argued that the great timber values of the area require maximum cutting, yet this is, for the most part, an area of such marginal timber potential that the practicality of such use is seriously in question. Every indication points to a need to decrease, not increase, the harvest of old-growth timber on fragile soils and steep subalpine slopes, where regeneration is questionable and where other values, particularly for the protection of watershed are so important. Even Forest Service studies have disclosed that it would be necessary to resort to extreme techniques to harvest timber in this steep country.

This area is a prime watershed for important fishing and recreation rivers. Under wilderness designation, it would be protected for uses that would not damage that overriding value. It is my hope that the Forest Service would not initiate any timber sales within this area pending congressional study of this proposal.

GRANITE CHIEF WILDERNESS

The proposed Granite Chief Wilderness, comprising some 37,000 acres is situated in the High Sierra immediately west of Lake Tahoe. This is an area of high peaks and valleys, with scattered forest cover. A historic emigrant trail crosses the area, which has changed little since the days of the California gold rush. Wildlife is abundant and native trout are found in the streams.

Until quite recently, much of this area was classified by the Forest Service as noncommercial for timber harvest purposes. A change in that view has apparently been made, as I am told there may be plans for timber sales within the area which has been proposed for study as wilderness.

This proposal raises a further issue, inasmuch as a portion of the area involved, while within the National Forest boundaries, is privately owned land. Federal lands and private lands alternate by sections, in a checkerboard pattern that makes comprehensive management virtually impossible. If, as local citizen groups feel, the primary values of this area are in wilderness designation and use, then we will have to find the means for acquiring the private holdings, and we must investigate the various alternatives we have for doing that.

The Granite Chief area is already providing a wilderness experience for a growing number of campers, hikers, fishermen, horseback riders, and hunters who seek their recreation in areas of solitude and natural surroundings. Indeed, this is an area frequently used by those who turn away from nearby wilderness areas which are being threatened by overuse. Without wilderness protection, this area stands to be chipped away by uneconomic timber sales and by various roadbuilding schemes which threaten to encroach on its southern boundary.

SHEEP MOUNTAIN WILDERNESS

The proposed Sheep Mountain Wilderness within the Angeles National Forest near Los Angeles encompasses some 60,000 acres, including the principal drainages on Mount San Antonio, locally known as Mount Baldy. This is rugged, precipitous country in the San Gabriel Mountains which stand so starkly above the Los Angeles Basin. Some of the canyons, notably the Fish Fork of the San Gabriel River, are almost inaccessible and support the best wild trout fishery in southern California. The area features unique alpine flora, including ancient timber pines, and remnant bands of bighorn sheep.

Approximately 400 of the bighorn sheep are making a determined stand on the higher slopes of the mountains within this proposed area. Our assistance, or lack of it, will determine if this is a last stand. These animals need wilderness for their very survival.

The Sheep Mountain Wilderness is a precious resource, offering the public an opportunity for hiking, fishing, photography, nature study, and the enjoyment of scenic grandeur. It is the last significant portion of unprotected wilderness in the mountains which ring Los Angeles.

LOPEZ CANYON WILDERNESS

This area is dominated by Lopez Creek and its tributaries, in the mountains near San Luis Obispo. The proposed Lopez Canyon Wilderness would include some 21,500 acres. The canyon is well wooded, in the upper reaches with pines, madrone, sycamore, and oak, the lower reaches with dogwood, cottonwood, willow, and laurel. Fine waterfalls tumble down the canyon floor, for Lopez Creek is perennially flowing.

Some minor intrusions, such as old four-wheel roads and helicopter landing sites, are found within the area, but these do not disqualify it as wilderness. On the whole, this is an important and valuable wilderness oasis, just 12 miles from the rapidly growing urban center of San Luis Obispo.

Senator ALAN CRANSTON and I have already joined in sponsoring a separate bill for the designation of this wilderness area, S. 3027. I include the identical proposal here in order to round out this omnibus package. Like the Snow Mountain proposal, hearings by the Senate Interior and Insular Affairs Committee will begin this week on this proposal.

Mr. President, I now ask unanimous consent to have a press release by Hon. Ronald Reagan, Governor of California, in which reference is made to the need to protect the home of the golden trout.

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

Governor Ronald Reagan today announced release by the California Department of Fish and Game of a significant environmental study of the Trail Peak-Cottonwood Basin area which lies in Inyo County (some 20 miles east of the town of Lone Pine).

The report expresses concern about the serious degradation of the home habitat of the golden trout, the state fish. Increased human and automobile use is posing serious threats to the habitat of this world renowned fish, the propagation of which is completely dependent on wild brood stock in the Cottonwood Lakes basin.

The report urges the agreement and cooperation of the United States Forest Service in instituting measures by way of limiting automobile and visitor impact so that the critical trout habitat and wild mountain sheep area will be protected for posterity.

By letter to federal Secretary of Agriculture Earl L. Butz, the governor called attention to this problem from the point of view of the United States Forest Service which is the major landowning agency served by the Cottonwood basin access road.

Roads which encroach upon the wilderness, the governor said, need careful study because of the need to protect the fragile, world-renowned High Sierra wilderness area.

Mr. TUNNEY. Also, Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a report of the State of California entitled "Environmental Goals and Policy," dated March 1, 1972.

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

WILDERNESS TYPE AREAS IN CALIFORNIA

These wilderness type areas are proposed as areas of critical concern to the State of California and are considered to have natural environmental qualities that need protection as scientific, scenic and educational resources for the people of the State. Some are already designated wilderness areas and some are proposed.

WILDERNESS TYPE AREA IDENTIFIED BY THE RESOURCES AGENCY

Established wilderness areas

Marble Mountain (Siskiyou).
Thousand Lakes (Shasta).
Caribou (Lassen).
Middle Eel Yolla-Bolly (Trinity-Tehama).
Mokelumne.
Hoover.
Minarets.
John Muir (Madera-Fresno).
Ventana (Monterey).
San Rafael (Santa Barbara).
San Gabriel (Los Angeles).
Cucamonga (San Bernardino).
San Gorgonio (San Bernardino).
San Jacinto (Riverside).
Desolation Valley.
Dome Land (Tulare-Kern).

Established primitive areas

Salmon-Trinity Alps (Siskiyou-Trinity).
South Warner (Modoc).
Emigrant Basin.
Aqua Tibia (San Diego-Riverside).
Monarch or High Sierra (Fresno).

Proposed wilderness areas

Siskiyou.
Salmon-Scott Divide.
Mt. Shasta.
Lava Beds.
Lassen.
Granite Chief (Placer).
Sequoia-Kings Canyon.
Southern Sierra Nevada (Tulare-Kern).
Pt. Reyes.
Farallon Islands (San Francisco).
Pinnacles.
Lopez Canyon (San Luis Obispo).
Snow Mountain (Lake, Colusa, Glenn).
Carson-Iceberg (Alpine-Tuolumne).
Yosemite.
Minarets Summit Corridor or San Joaquin.
White Mountain.
Golden Trout (Tulare).

Mr. TUNNEY. In conclusion, Mr. President, I believe that it is important to put into perspective the relatively small percentage of wilderness land which remains in California.

California has a total land area of 101,-

500,000 acres. The Federal Government controls about 40 million acres. Thus far 1.6 million acres of land or just 1 percent of the total land area of California has been designated as wilderness areas. This amounts to 4 percent of total Federal acreage in California.

Of the Federal acreage, the National Park Service controls 4.4 million acres of land, the Bureau of Land Management controls 16 million acres and the Forest Service controls 20 million acres.

The process of reviewing primitive areas is nearly completed and attention is now being focused upon the so-called de facto wilderness areas. The Forest Service has begun its inventory of these roadless, undeveloped areas in California and has made tentative selections of areas which it proposes to study for possible wilderness designation.

In their roadless area inventory, the Forest Service is considering 3 million acres for wilderness designation. An additional 400,000 acres of primitive areas is also presently being studied by the Forest Service. There are preliminary indications that the Forest Service believes that only an estimated 750,000 acres out of the 3 million acres of roadless areas qualify for wilderness designation. If this is true, then only an additional 1,150,000 acres would be submitted to the Congress by the Forest Service for wilderness area designation.

If this modest proposal were adopted it would bring to approximately 2 percent of the total California land area the amount of designated wilderness areas.

Since it is clear that we are talking about a very small percentage of total land area we should insure that all eligible land within these areas are considered by the Congress.

I would like to reemphasize that we are not talking about a massive amount of land—but only 2 or 3 percent of the total land area in California. Certainly not all of the acreage under study will be designated as wilderness—not all of them should be. But we do have a right to expect the decision on the future of each eligible area to be made thoughtfully, with due deliberation and with the opportunity for real and informed public participation in the decisions.

I have received reports from California that the Forest Service inventory is not being conducted in as thorough a manner as it should be. Instead of area-by-area studies called for by the Wilderness Act, the ongoing inventory appears rushed and superficial. If future Californians are to have a secure and enduring resource of wilderness then we must act wisely and with great deliberation as we consider which of those last remaining areas should be preserved as wilderness.

Why have so few areas been considered by the Forest Service?

It is a strange paradox today to find Federal agencies insisting upon complete purity in wilderness areas—an interpretation which coincidentally has resulted in severely limiting the size of agency recommended wilderness areas.

It appears that many areas have not been inventoried as roadless which deserve consideration. The Forest Service has developed its own interpretation of what can and cannot qualify as wilderness and that interpretation seems to have strayed from the standards set down in the Wilderness Act.

It is my hope that instead the Congress will abide by the spirit of the wilderness law in developing and giving final approval to wilderness area proposals.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD the text of my bill, together with a case study of the Eagles Nest Wilderness Area which provides a good illustration of the controversy underway throughout the Nation on the interpretation and implementation of the Wilderness Act. The study was published by Colorado magazine in its latest issue.

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

S. 3618

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 "Omnibus California Wilderness Act of 1972".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL PARKS AND MONUMENTS

SEC. 2. (a) In accordance with section 3 (c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness—

(1) certain lands in the Lassen Volcanic National Park, California, which comprise about one hundred and one thousand acres and which are depicted on a map entitled "Lassen Volcanic Wilderness-Proposed", and dated April 1968, which shall be known as the "Lassen Volcanic Wilderness";

(2) certain lands in the Lava Beds National Monument, California, which comprise about thirty-seven thousand acres and which are depicted on a map entitled "Lava Beds Wilderness—Proposed", and dated April 1968, which shall be known as the "Lava Beds Wilderness";

(3) certain lands in the Pinnacles National Monument, California, which comprise about thirteen thousand acres and which are depicted on a map entitled "Pinnacles Wilderness—Proposed", and dated April 1968, which shall be known as the "Pinnacles Wilderness"; and

(4) certain lands in the Sequoia and Kings Canyon National Parks, California, which comprise about eight hundred and thirty thousand acres and which are depicted on a map entitled "Sequoia-Kings County Wilderness—Proposed", and dated June 1971, which shall be known as the "Sequoia-Kings Canyon Wilderness".

(b) Notwithstanding the provisions of section 1 of the Act of August 9, 1916 (39 Stat. 442), the lands within Lassen Volcanic National Park, California shall not be entered upon or utilized for flowage or other purposes in connection with the development of a Government reclamation project.

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL WILDLIFE REFUGES

SEC. 3. In accordance with section 3(c) of the Wildnerness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness: certain lands in the Farallon National Wildlife Refuge, California, which comprise about one hundred and forty-one acres and which are depicted on a map entitled "Farallon Wilderness—Proposed", and dated October 1969 (revised March 1970), which shall be known as the "Farallon Wilderness".

DESIGNATION OF WILDERNESS AREAS IN NATIONAL FORESTS

SEC. 4. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness—

(1) certain lands in the Stanislaus National Forest, California, which comprise about one hundred and thirteen thousand acres and which are depicted on a map entitled "Emigrant Wilderness—Proposed", and dated March 1972, which shall be known as the "Emigrant Wilderness";

(2) certain lands in the Cleveland National Forest, California, which comprise about sixteen thousand four hundred and ten acres and which are depicted on a map entitled "Agua Tibia Wilderness—Proposed", and dated March 1972. which shall be known as the "Agua Tibia Wilderness";

(3) certain lands in the Mendocino National Forest, California, which comprise about thirty-seven thousand acres and which are depicted on a map entitled "Snow Mountain DeFacto Wilderness Area", and dated June 1971, which shall be known as the "Snow Mountain Wilderness";

(4) certain lands in the Sierra and Inyo National Forests, California, which comprise about fifty thousand five hundred acres and which are depicted on a map entitled "Proposed Minarets Summit Wilderness", and dated February 1971, which shall be known as the "San Joaquin Wilderness";

(5) certain lands in the Sequoia and Inyo National Forests, California, which comprise about two hundred and sixty thousand acres and which are depicted on a map entitled "Golden Trout Wilderness—Proposed", and dated December 1971, which shall be known as the "Golden Trout Wilderness";

(6) certain lands in the Siskiyou, Six Rivers, and Klamath National Forests, California, which comprise about one hundred and fifty-three thousand acres and which are depicted on a map entitled "Siskiyou Wilderness—Proposed", and dated January 1971, which shall be known as the "Siskiyou Wilderness";

(7) certain lands in the Tahoe National Forest, California, which comprise about thirty-six thousand acres and which are depicted on a map entitled "Granite Chief Wilderness—Proposed", and dated March 1970, which shall be known as the "Granite Chief Wilderness";

(8) certain lands in the Angeles and San Bernardino National Forests, California, which comprise about sixty thousand acres and which are depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and dated November 1971, which shall be known as the "Sheep Mountain Wilderness"; and

(9) certain lands in the Los Padres National Forest, California, which comprise about twenty-one thousand five hundred acres and which are depicted on a map entitled "Lopez Canyon Wilderness—Proposed", and dated December 1971, which shall be known as the "Lopez Canyon Wilderness".

SEC. 5. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 6. Wilderness Areas designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this

Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

BATTLE FOR THE EAGLES NEST: THE FOREST SERVICE VERSUS THE PEOPLE

The people spoke. But the Government has deliberately ignored them.

For several years, that has been the story of the embattled Eagles Nest Wilderness just north of Vail in central Colorado. And now the final showdown for this magnificent area of ragged peaks, gentle forested valleys and clear mountain streams in fast approaching.

Already introduced in Congress, a bill is now afoot which would slice more than 37,000 acres from the available Wilderness. If the proposal passes as is, the sincere efforts of literally thousands of citizens will have been wasted.

The people will be given a rock pile instead of a rich, diverse Wilderness area—one that includes everything from sawtooth 13,000-foot peaks to rich, rolling forests of spruce, pine and aspen. For the current Senate bill asks protection for only 88,000 acres of the more lofty and rocky crags of the forbidding Gore Range. The forested glades below will remain vulnerable to a relentless and inevitable invasion by road builders, loggers and developers.

The story is one of repetitive, frustrating citizen effort. Using every democratic means available to them—meetings, hearings, letter writing campaigns, careful field studies, lawsuits, petitions and conferences—the recreational public has fought to persuade the US Forest Service to endorse a full 125,000-acre Eagles Nest Wilderness. But the bureaucrats responded to the people as if they were either pests or ignoramuses, or both. Instead of attending to the expressed will of the citizenry, the Forest Service yielded only a little—just enough to hope they will look good, but not enough to really do good.

Were the proposed Eagles Nest Wilderness located elsewhere, the whole situation might be different. But the march of progress through Colorado has given this area a significance that is unmatched elsewhere in the entire U.S.

Running around the eastern tip and along the southern edge of the area is Interstate Highway 70, which annually funnels millions of travelers past the base of Eagles Nest. No other major auto route in the nation is so close to a potential Wilderness.

Furthermore, with this year's completion of the I-70 Straight Creek Tunnel under Loveland Pass, Eagles Nest will be only 65 miles by freeway from Denver's 1.5 million residents. This in itself is a rarity; no other designated Wilderness in the U.S. is so close to a major urban center.

It's small wonder that a growing number of campers, hikers, backpackers and climbers are enjoying the Eagles Nest area. The Forest Service's own figures indicate an incredible 522% increase just since 1964, and there is every indication this trend will continue. Mountaineering schools, the youth-oriented Outward Bound program and national conservation groups all conduct regular summer trips into the area.

The geography of Eagles Nest alone warrants every bit of this attention. Nowhere in Colorado is there a more concentrated area of bold, ragged ridges and peaks—crammed and jumbled together with awesome intensity. High points are Mount Powell and Eagles Nest Peak, both towering well above 13,000 feet. The latter peak draws its name from the unusual number of majestic Golden Eagles nesting in the immediate area. This fierce crest of mountains is known as the Gore Range; it spurs off the Continental Divide for 70 miles between Rabbit Ears Pass on the north and the Dillon Reservoir on the south.

But the dramatic chain of razored pinnacles is far from the only attraction in the Eagles Nest area. In many places, the slopes drop sharply off the heights, and then—just as suddenly—taper off into a gentle, rolling blend of forest and meadow. Clear, jewel-like lakes (over 50 of them in all) are nestled in the intimate valleys; sparkling streams flow from these headwaters—and, like the lakes, many of them hold abundant pan-sized trout.

The lower elevations are also vital to the area's wildlife population; deer, elk, bighorn sheep and even mountain goats all survive through the winter in this gentler country. And finally, a network of foot trails in this primitive green belt are favored by many family hikers and campers—those who love the serenity of wilderness, but are unable to climb the lofty peaks. It is this peaceful, lower country that the Forest Service wishes to chop out of the Eagles Nest Wilderness.

Hints of this plan appeared in the summer of 1968, when a special interest group began courting the Forest Service for a large chunk of land at the northern end of Eagles Nest. Acting under its own "management prerogatives," the Service had quietly laid plans for cutting down a majestic forest in the gentle East Meadow Creek Area about 14 miles northwest of Vail.

The blueprint called for felling trees right up to the very boundary of the existing Primitive Area. Though the actual cutting and the road building would be outside of the boundary, it was obvious that no Wilderness enlargement could ever be made once the lumbermen had torn up the adjoining landscape. Furthermore, many people believed that the East Meadow Creek area was precisely the kind of wild, forested country that should be included in the official Wilderness—in addition to the rocky heights at higher elevations.

These last sympathies were those of a group of concerned Vail residents who united under the banner of Eagles Nest Wilderness Committee. Numbering about 50, the group had explored the existing Primitive Area and adjacent lands. A proposal for an enlarged Wilderness had been drawn up, and now suddenly a timber sale was imminent in one of the prime lower valleys.

Members of the Committee reacted swiftly and began working their way up the Forest Service chain of command. Long and sometimes tense meetings were held with District Ranger Donald Price, then with Forest Supervisor James Folkstead and finally with former Regional Forester David Nordwall. As a result, the timber sale was reduced in size, and a buffer zone established around the existing Primitive Area. But the concession still meant that 357 acres would be cut in six different patches; East Meadow Creek would still be torn apart.

Further discussion produced no new action; the Forest Service auctioned off the timber; Kaibab Lumber Company in the nearby town of Eagle planned to cut it, and the conservationists went to court. The famous East Meadow Creek Case was the result.

From the very start, the citizen plaintiffs (the Sierra Club, The Wilderness Society, Colorado Magazine, the Town of Vail and a scattering of private parties) had a simple, direct case: the Wilderness Act of 1964 states that the President and Congress alone can decide what areas may be designated as Wilderness. By allowing timber cutting in East Meadow Creek, the Forest Service was seizing authority it did not have.

After some lengthy preliminaries, the case went to court in late 1969. By this time, national lumber interests had joined in support of the Forest Service, and no less than four top timber industry lawyers arrived in Denver for the trial. From the very beginning, few of the conservationists expected a victory. District Judge William E. Doyle didn't encourage them when he said, "You have a pretty skinny basis at best."

But the Judge also insisted on hearing the case all the way through. One by one Government motions to dismiss the case were denied. And finally, in early 1970, Judge Doyle decided in favor of the people. No timber cutting until the East Meadow Creek area had been properly considered for Wilderness classification. Incredibly, throughout the testimony the Forest Service itself had fought tooth and nail against the taxpayers for whom they are working.

It was a landmark victory, and obviously one which the Forest Service and the timber barons did not like to lose. An appeal was soon filed. But before the case could be heard in a higher court, the Forest Service tried to physically sabotage the *wild quality of* the East Meadow Creek area.

During the lengthy trial, a dirt road built in the early 1950s for insect control had been a source of major controversy. Known as the "bug road," the narrow track was overgrown and blocked by wind-felled trees—now impassable and in many places invisible. Nature was rapidly reclaiming her own. But the Government and timber interests repeatedly argued that the man-made blemish disqualified East Meadow Creek from Wilderness classification.

When the court rejected this line of reasoning, the Forest Service apparently decided to strengthen their point. Though Judge Doyle's restraining order strictly forbade all timber cutting, in the early fall of 1970 a crew was hustled into the "bug road" with chain saws. Trees that had fallen across the track were cut away, and a broad swath was cleared for regular four-wheel-drive vehicles. The apparent hope was that deer and elk hunters would destroy its wilderness quality. The Forest Service avoided a contempt citation only by claiming that the work was routine "trail maintenance"—but the damage had been done.

Fortunately, this action, other than casting a more unfavorable light on the integrity of the Forest Service, had little effect on the final outcome of the case. On October 1, 1971, the three-judge Circuit Court of Appeals also ruled in favor of the citizens. Still not deterred, the Government and lumber industry pressed on to the US Supreme Court, trying to get Judge Doyle's decision overturned. But that hope died in March, 1972 with a brief formletter notation from Washington.

"The petitions [of the Government and the timber industry] . . . are denied," it read. The nation's highest court would honor the previous rulings.

Sierra Club lawyer H. Anthony Ruckel, who argued the citizens' case, estimates that it cost the people $50,000 to do the job, plus countless hours of unpaid volunteer research. All this time and money had been spent to make the Forest Service just listen to the people—the same people who fund that agency with their taxes.

Significant as it is, the East Meadow Creek Case was only a preliminary skirmish—a prelude to the final struggle that soon will erupt in Washington. Now the ultimate decisions on wilderness protection for Eagles Nest are soon to be made.

Unfortunately, however, not one Senator or Representative in Congress will have either adequate or honest information on which to base his vote. For once again, the will of the people has been ignored by the US Forest Service. Here is how it happened:

According to the Wilderness Act of 1964, special public hearings must be held for every area that is officially added to the national system of wild preserves. These hearings are for gathering information about the area in question—and any kind of public input is welcomed. Furthermore, the law specifically states that "any views submitted" during such hearings "shall be included with

any recommendations to the President and to Congress . . ." It is a direct, democratic means for the people to speak to their elected representatives.

So, in October, 1970, the U.S. Forest Service scheduled an Eagles Nest hearing in the little village of Frisco at the eastern tip of the proposed area. No other sessions were planned even though the conservationists asked the Forest Service to hold additional hearings in Denver. Urban residents, they explained, would be the greatest users of the Eagles Nest Wilderness, and few of them could get off several days to be present at Frisco. But the Government balked and argued that it was too late to arrange for a longer hearing. However, it was implicit that the Service really did not want the people of the Denver area to have their say about Eagles Nest.

Citizen pressure continued to mount anyway, and finally a behind-closed-doors deal was arranged. The federal agency agreed to hold additional hearings in Denver in exchange for a 48-hour moratorium on attacks by conservation groups. For one of the rare times in the history of the Wilderness Act, public hearings took place in a major urban center where the majority of the users actually lived.

Public response was heavy. On October 8 and 9 in the little town of Frisco, several hundred people wedged into the Summit County High School auditorium—and 121 of these testified. After a weekend recess, the action moved to the Denver Federal Center and an even larger crowd. Press coverage throughout Colorado was heavy, and both Denver newspapers carried strong editorials in support of the citizens' request for a 125,000-acre Wilderness.

Once the hearings were over, mail on Eagles Nest continued to flood the Forest Service regional office in Denver. Obviously, public interest was unprecedented; when the hearing record closed in November, a total of 21,432 individuals, organizations, towns, businesses and government agencies had submitted statements.

According to Bob Rowan, Branch Chief in Special Areas for the USFS in Washington, "The response far exceeds any wilderness hearings we've had to date. It is a fact that it is four or five times the size of any other hearing we've had."

Two different proposals were the main consideration. Speaking for the Forest Service was Regional Forester William J. Lucas; he carefully outlined his agency's recommendation for a 72,000-acre Eagles Nest Wilderness. Speaking for the citizens was William B. Mounsey, professional guide and consultant to the nationally prominent Wilderness Society. He spelled out the recommendation by the citizen organizations for a 125,000-acre Wilderness. Periodically as he read his statement, the crowd at Frisco broke into spontaneous applause—and afterwards numerous other witnesses supported his plan for a bigger area.

There was also prominent weight among this latter group. Two US Representatives, the Governor and Lieutenant Governor of Colorado, 2 candidates for Congress, 8 Colorado Senators, 10 Colorado Representatives, the Mayor of Denver and such nationally prominent figures as former US Interior Secretary Stewart Udall and Assistant Secretary of State Charles Meyer, all supported an enlarged Wilderness. In addition, the Colorado Division of Game, Fish and Parks recommended an almost identically large acreage in a carefully drawn 4,000-word report.

However, a hint that this overwhelming position by the citizens might be callously neglected came on the opening morning of the controversial Denver hearings. That day, a Boulder, Colorado man identified as Charles R. Batten signed up to testify—presenting himself as spokesman for a group named The Gore Range for People Committee. In the hearing anteroom, he conferred briefly with Regional Wilderness Chief G. E. Weidenhaft, and shortly thereafter he was one of the very first called to the stand to present his public statement.

It seemed a minor breach of hearing protocol: government officials are usually accorded the respect of first testimony—before citizens present their views. But when Batten began to speak, it became apparent that he had been allowed to testify early for specific propaganda reasons.

The Gore Range for People Committee which Batten represented turned out to be a front—not a true citizens' group as might be suspected from the name, but instead a mask for a timber industry lobbyist and lumber consultant. Batten is registered with the Timber Management Office of the Forest Service, and his clients include the Edward Hines Lumber Company, the Forest Products Treating Company and the Federal Timber Purchasers Association. The Gore Range for People Committee was a letterhead group that existed in name only.

Batten's testimony was a straight pitch for the timber industry, and its interest in the cuttable trees of the gentle, forested valleys along the edges of the Gore Range. He recommended complete declassification of the entire Eagles Nest area—with no Wilderness anywhere.

Batten's statement brought scattered boos and hisses from the generally courteous audience, and afterwards there was considerable discussion of the Government's willingness to help perpetrate what many people believed to be an out-and-out fraud.

As it has turned out, this small show of favoritism was just the tip of the iceberg. For ever since the close of the hearings, the Forest Service has tried to downgrade and deny the predominant citizen interest in a 125,000-acre Eagles Nest Wilderness.

Such was the tenor of the official Forest Service report released in April, 1971 which was entitled, "Analysis Of Public Response To The Eagles Nest Wilderness Proposal." The document was supposed to be a neutral, statistical review of the events at Frisco and Denver, and of the mail response.

To be sure, some factual evidence was presented. Buried in the report were summaries of the testimony—and they showed an overwhelming vote for the 125,000-acre Wilderness. A total of 72.8% wanted an enlarged area, while a mere 22.8% sided with the smaller Forest Service recommendation.

However, these numbers were substantially ignored. Allen Lamb, Assistant Director of Recreation for the USFS in Washington explained, "Now you see, numbers are not what we count. We are interested in the content and substance of the response. We don't look at it as a voting situation. Numbers are not meaningful as far as we use them."

But it appears that the Forest Service was in fact disturbed by the strong citizen opposition to their proposal. And so even the required analysis of the public's input was slanted. Glaring omissions, plus a persistent bias against the 125,000-acre plan, are immediately evident.

Noticeably missing from the list of citizen groups supporting an enlarged Eagles Nest were names of 22 conservation groups, although spokesmen for all of them testified in person at the hearings. In addition, a bias against the very concept of Wilderness itself crept into the analysis.

Perhaps the most slanted statement is the identification of citizen groups in the report as "special-interest groups who have proposed much larger withdrawals of public land." I's hard to say just what such a reference actually means, though the negative implication is clear. Could it be the withdrawal of land from timbering and mining? Withdrawal from road building? Withdrawal from active management by the Forest Service? Whatever the case, the statement dramatically contradicts the true spirit of the Wilderness Act—passed in 1964 to preserve the land and honor the forces of nature that work there.

In the summer of 1971, the Forest Service completed a formal recommendation for Eagles Nest, and included the biased hearing analysis in it. Because of the strong citizen reaction, the finished proposal added some 16,000 acres to the Government agency's original 72,000-acre plan—but the total still fell far short of the much larger area requested by the citizens. All of the ommissions lay in the vital forested greenbelt that borders the high, ragged ridges of the Gore Range.

Thumbing through the 173-page document is a lesson in effective propaganda. The overall impression is that the Forest Service is doing the American public a great service by proposing any Wilderness. However, there is also the strong suggestion that this is not a sound move.

Early in the document are four pages of comparison between Wilderness and non-wilderness alternatives—and their probable effect on Eagles Nest

Most of the Wilderness descriptions are strongly negative in attitude:

"This area would be managed without comfort or convenience facilities to provide continuing challenges and opportunities for users to test their outdoor skills."

In contrast, most of the non-wilderness choices receive a strong, positive thrust. For example, the counter-statement reads:

"Recreation sites could be inventoried for extensive development for motor-based recreationists on the lower elevation lands if economical road access could be provided."

Then there is this Wilderness alternative:

"2,155 acres of no-forested sites which would supoprt timber will depend upon natural regeneration."

Opposite it is this statement:

"Commercial timber sites of suitable quality, within 2,155 acres of deforested land, could be planted."

The general implication of these pages is clear. Wilderness is really not a beneficial condition. It deprives the people of opportunities for mass motorized recreation. It places restrictions on livestock grazing, predator control, water development, mining and scientific research. It prohibits timbering and road construction. And it denies the USFS its traditionally unquestioned autonomy to manage the forest lands as its pleases.

A review of the boundary proposals for Eagles Nest reveals the Forest Service's extreme readiness to exclude as much land as possible from the Wilderness. Colorado Governor John Love has criticized the agency for its "unduly narrow and literal" interpretation of the Wilderness Act, and this is precisely how the USFS has proceeded.

Whenever and wherever a minor man-made feature was found, the surrounding land—often in large, substantial blocks—was denied Wilderness recommendation. Thus the almost invisible "bug road" in the embattled East Meadow Creek area caused exclusion of 7,750 acres. Elsewhere the blemish cited was a crumbling log cabin, a washed out earth-fill dam, a single range fence, an ancient timbercut. In the proposal, these dim vestiges are usually exaggerated to appear as permanent, ugly scars.

But there were also other reasons for excluding land from the Wilderness. Ten areas were considered "unsuitable" because they were "needed for development to meet the recreation in the future." Four were eliminated because they "contain over 80 million board feet of mature, operable timber which is needed to maintain a dependent timber industry on a sustained yield basis."

In a clear exercise of circular illogic, the East Meadow Creek area was called unavailable for Wilderness because of the contract with the Kaibab Lumber Company for tim-

ber-cutting—despite the court injunction which prohibits any logging until the land is fairly classified.

And, finally, there is the water question—the greatest subterfuge in the entire proposal. This is a relatively straight-forward issue that has been raised to a high degree of confusion by the USFS document. Here are the facts that have been blurred:

Back in July, 1964, the Denver Water Board sought the rights to much of the flow off the slopes of Eagles Nest. At that time, the Board was concerned about meeting the city's future water needs—and the addition of this new supply was welcomed. In the years since, several alternative plans have been blueprinted to collect the water in a series of small reservoirs, and pipe it to Lake Dillon which is now a major source for Denver. All these construction projects are tentative, and none may ever be built. One of them calls for possible development inside the boundaries of the citizens' 125,000-acre proposal. That is how the water question actually stands today.

However, in the Forest Service proposal for Eagles Nest, an entirely different impression is created. The still tentative Water Board plans are made to seem definite. Then they are used as reasons for excluding large acreages from the Wilderness. This logic alone accounts for the elimination of areas along 17 creeks that flow east from the Gore Range, plus nine more streams and the Piney River on the west. Included in this mass exclusion is the scenic, 50-mile-long Gore Range Trail—one of the most unique hiking paths in the entire Rockies.

In all this, however, an extremely critical fact is deliberately overlooked. In the Wilderness Act of 1964, there is a carefully worded section which states that it is perfectly legal to have water developments *inside* a Wilderness. It is one of several well-defined exceptions in the Act, and there is no mistaking it.

So in truth, water development in itself is absolutely not a valid reason for excluding any land from Eagles Nest.

Why then has the Forest Service made such an issue of the possible Denver Water Board development? Why have they woven this fabricated excuse into the very substance of their proposal—raising the matter at least eight different times. And why did the official report omit the explanatory statement of Denver Water Manager James Ogilvie when his words would have clarified the situation once and for all?

The answer may well lie with one of the Forest Service's favorite bedfellows, the timber industry. Certainly the Government joined with the lumbermen to fight the East Meadow Creek Case with the fullest tenacity all the way to the US Supreme Court. Certainly, also, much of the land spuriously excluded because of the water ruse is covered with easily cuttable trees.

Suspicions such as these are not hard to come by. And when coupled with the many other biases in the Eagles Nest report, they raise a battery of basic questions about the way the Forest Service is doing its job.

In short, what is wrong with the agency? Is their bureaucratic tradition of catering to the commercial interests too long standing, too deep? Are they angered by—even vindictive toward—the recent surge of citizen interest in the future of the public lands? Is there a built-in resistance to Wilderness because it deprives foresters of an active role in managing nature?

Whatever the case, there's little question that this giant agency is now gravely out of touch with what is now its most vital, concerned and active constituency: the common citizens of America. The taxpaying public they are paid to serve.

Meanwhile, the Eagles Nest Wilderness is on the block. The Forest Service has pushed its proposal first to the President and now to Congress—ignoring and downgrading the will of the people all the way.

But the war is not lost; it has just become more difficult to win.

Recently Regional Forester Lucas was questioned about the pervasive bias against the citizens in his office's report.

His answer was, "If the people want to be heard, let them go to Washington and testify before Congress. The hearings there will be their chance."

Before the Eagles Nest Wilderness becomes law, another set of public hearings will be scheduled before the proper committees in both the House and the Senate. But for the citizens who want to preserve all 125,000 acres of virtually untouched glory for future generations, it means starting all over again.

And it means starting all over 2,000 miles from the scene of the first battle where they miraculously overpowered the enemy—and lost.

HOW THE FOREST SERVICE LIED TO THE PRESIDENT

In the long, complex process of lawfully creating a Wilderness area, no single document is more important than the formal Proposal prepared by the US Forest Service. It is submitted directly to the President; he in turn requests Congress to act.

If the recommendation is inaccurate or deceptive, the President has no way of knowing. In accord with the rules of practical government, he must implicitly count on the competence and honesty of his administrative agencies.

The Forest Service Proposal for the Eagles Nest Wilderness in central Colorado is misleading and untruthful. But, the President has accepted the recommendation at face value, and a bill has already been introduced in the Senate which could make it law.

Specifically, the Forest Service recommendation has been slanted against the citizens' request for an enlarged 125,000-acre Eagles Nest Wilderness. The official Government report has deliberately downgraded or ignored the people's expressed point of view.

Nowhere is this bias more evident than in the analysis of the 1970 public hearings on Eagles Nest held by the Forest Service to gather information on which to base their recommendation. For example:

The identity of 22 organizations who opposed the Forest Service proposal was left out of the report. Among those groups not mentioned as endorsing the larger 125,00 acre Wilderness are: The Wilderness Society (70,000 members); Colorado Open Space Council (spokesman for 47 state conservation groups with 30,000 members); the nationally prominent Friends of the Earth (15,000 members); the energetic Denver Audubon Society; four divisions of the Sierra Club; the Wyoming Outdoor Coordinating Council (speaking for 19 major groups in that state), and 13 other conservation groups.

The 4,000-word proposal by the Colorado Division of Game, Fish and Parks for an enlarged Wilderness was reduced to just 12 lines.

The two-page statement by Colorado Governor John Love was briefly summarized to make it appear that he had serious reservations about a bigger Wilderness area. But, in fact, the Governor officially supported the larger 125,000-acre proposal, saying, "I believe that we have a responsibility to the entire nation to safeguard and protect as much as possible of our wilderness area for not only our own enjoyment and well being, but for those of generations yet to come.

Neutral statements by four major Federal agencies were misrepresented as specifically favoring the smaller 72,000-acre recommendation of the Forest Service.

When the Forest Service invited statements on their proposal from government officials and private groups, they withheld any mention of other alternatives. Favorable responses to this one-sided request were then tabulated as supporting the Forest Service.

The famous Eastern-based Appalachian Mountain Club praised the minimum 72,000-acre plan, but explicitly asked for consideration of a much larger area. The USFS reported this response as support for their smaller proposal.

No statement by a conservationist is quoted, yet 72.8% of the response favored the larger Wilderness designation. The devious Forest Service document identifies those commercial associations and private businesses who supported the federal agency's position as "Citizens Groups," but lay organizations who disagreed with the Forest Service are referred to as "special-interest groups."

Finally, the USFS has repeatedly stated throughout their recommendation to the President that certain land suitable for Wilderness classification is "not available" for Eagles Nest because of possible interest to the Denver Water Board. But since the 1964 Wilderness Act says water resources can be developed inside a Wilderness area anyway, the Forest Service has not even told the truth about how much Wilderness acreage is really available.

By Mr. BROOKE (for himself and Mr. KENNEDY):

S. 3619. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LOWELL CULTURAL PARK

Mr. BROOKE. Mr. President, I am introducing today with Senator KENNEDY a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park. The creation of this urban national park in Lowell, Mass., would represent an innovative means of grappling with the problems not uncommon to cities which have a rich historical tradition, but a declining industrial base.

An identical bill was introduced in the House by former Representative F. Bradford Morse and has been cosponsored by each of the Representatives in the Massachusetts delegation. Representative Morse conducted a thorough study before submitting this proposal, working closely with Lowell community leaders. These efforts were undertaken at a time when he knew that he would soon be leaving the Congress to become the Undersecretary General of the United Nations. The energy which he devoted to this project is evidence of the deep concern and commitment which Congressman Morse had to the Fifth Congressional District which he served so well for 12 years.

This legislation proposes that the historic mill section of Lowell be included within the national park system. For more than two centuries the mill region of Lowell has attracted individuals of disparate cultural background, and has formed a community with strong economic and social fiber. The industrial section of the city is tied together by more than 5 miles of canals, locks, and gatehouses that once powered the most productive textile mills in the United States.

Regrettably, however, many of these structures have deteriorated as the mills have closed and the economy of the area

has changed. Lowell, as a result, is grappling with the difficult task of constructing a new economic and cultural base from the remains of the past.

This bill to establish a National Cultural Park represents a creative approach to the revival of the Lowell economy which builds on, rather than disturbing, its rich tradition. The program includes proposals for the restoration and beautification of the canal system; the reactivation of one of the mills, complete with 18th century looms; technological exhibits and museums; and the recreation of any early settlement and/or Indian village.

Under the Interior Department's new program to bring parks "closer to the people," the National Park Service has announced criteria for the preservation of national cultural sites and ways of life. The proposed parks are judged on factors such as the significance of the park to the heritage of the United States, as well as the site's suitability to the preservation and interpretation of American history. An important element of the criteria is that it involves no undue intrusion or disruption to the city.

I firmly believe that the plan for the Lowell cultural park fully meets these criteria, and would provide an exciting opportunity to develop an urban national park.

I ask unanimous consent that an editorial from the Lowell Sun, supporting the proposal, be printed at this point in the RECORD.

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

NATIONAL PARK PLAN HAS FAR-REACHING EFFECT

At long last, a move has been made to memorialize Lowell's primary role in the industrial revolution that put America on the road to the industrial leadership of the world.

Rep. F. Bradford Morse, who is leaving Congress within the week to accept a high office in the United Nations, has launched a drive to have, with federal support, Lowell's famous canals and its equally famous mills, with adjacent areas, established and developed as an urban cultural park. He has asked for $20,000,000 for financing the work needed to bring about this development as outlined by Lowell Model City Administrator Patrick Mogan.

The plan proposed by Rep. Morse and Mr. Mogan is one of the most far-reaching of its kind ever broached in this part of the country.

It is a particularly worthy plan, for even though a few small mills had been started before Lowell's establishment, nothing of its kind—the transition from farmland to a complete textile complex—had been attempted in our country.

The plan would save for posterity the canals that won us the title of "the Venice of America" and the water-powered textile mills which made Lowell known far and wide as "The Spindle City".

Unless something of this kind is done and done soon, much that should be kept will be lost to posterity.

Approval of Rep. Morse's measure is too important to Lowell to permit it to be sidetracked, for it would provide funds to restore the canals and some of the old mill buildings, to landscape the areas, and with the Model Cities program under way in the so-called Acre section of the city, to make Lowell a place of beauty, to put Lowell where it belongs as a tourist attraction and most of all, to make Lowell a better city in which to live.

Many people of Lowell today have grown up without any serious thought as to the meaning of the elaborate canal system which laces the city. The canals were here and so were the mills when they were born and to many, there is nothing extraordinary about these canals and these mills, and the filling of a canal or razing of a mill building rouses no interest.

They do not stop to read about Lowell, to consider its history, to ponder over the gargantuan task involved in the digging of the canals, the controlling of the powerful Merrimack River, or of the effect on the industrial growth of America resulting from what was accomplished here. In fact, too little is taught in Lowell schools about the city and its history, so nothing causes modern residents to show much interest in its history.

It was a group of Boston capitalists who decided to go all-out and build an industrial city. Men such as Francis Cabot Lowell, Nathan Appleton, Patrick Jackson, Ezra Worthen and Paul Moody saw fortune ahead for them if they could establish a cotton spinning and weaving establishment in Lowell and put an end to reliance on England which then held a corner on manufacturing of cotton cloth so greatly desired for dressing the people of America who then had to rely on coarse hand-spun and woven materials for clothing or pay Britain any price it wished to charge for the more popular cotton.

They had had surveys made of many of the streams considered to be near enough to Boston to expedite handling of supplies and eventual shipping of goods and which would have enough power to run not just one mill but many such plants.

The Merrimack was familiar to these financiers for they knew it was being used for trade, particularly lumber, and in 1792 they had formed the Proprietors of the Locks and Canals on the Merrimack River and put up the money for a canal to skirt the Pawtucket Falls and the rapids below the falls so that log rafts could float down all the way to Newburyport and the sea.

Through the reports of their engineers they learned just how powerful the Merrimack was, for despite its oft-placid appearance, it built up great power as it flowed down from its source 100 or more miles up in the New Hampshire mountain area.

The Middlesex Canal, linking Chelmsford with the Mystic river near Boston, was planned, and this made it certain that there would be a transportation link between the Boston port and the mills to be constructed here.

With power available and transportation for heavy shipments on the way, the Locks and Canals Corporation set to work to lay out and construct the major canals for power purposes; the Pawtucket canal taking off from the Merrimack at Pawtucket and Walker streets and the Northern canal taking off from the Pawtucket dam which was a heightening of the original falls.

The project was immense, for it encompassed miles of canals and eventually miles, too, of cotton mills.

Today, with the heavy power equipment available, it would be a big project but back in the early days of the 1800's, the only power was the strength of men's muscles—many of the laborers brought here from then-starving Ireland to tackle the task—aided by oxen and draft horses.

The work moved slowly but steadily and, while the canal was being dug, the Merrimack Mill—now the site of the postoffice and where construction now is under way on a huge apartment complex with offices and stores to follow—was being built, timber by timber and brick by brick.

The demand came for more mills, and the smaller canals, branching out from the Pawtucket and the Northern canals, were constructed to provide power.

In 1826, the mill area and much of the land between the Merrimack and Concord rivers gave up its title to the name of East Chelmsford and became the town of Lowell. Just 10 years later the town became a city with the mills providing the substance for a rapidly growing population.

The city expanded swiftly, thriving on full employment, until the Civil War caused an eight-year shutdown as the supply of raw cotton was cut off.

But it revived after the war ended and more mills were built, lining the Merrimack from the Central bridge to the old Aiken street bridge (now the Ouellette bridge), bordering the many canals cut through various sectors to provide more power and lining the Concord river.

Dignitaries came from nearly all civilized nations to view "The Spindle City" in operation, and Lowell became so prominent in the textile trade and its population grew so large that presidents and presidential candidates paid visits here to view the mills and seek votes.

Probably as many as 20,000 or more were employed in these mills and other thousands in the shops and stores to supply the workers with food, fuel and some luxury.

The golden years, with some slowdowns due to nationwide recessions, continued until after the close of World War I when the lure of the South stole our major textile industries away.

Today Lowell is on its way back from the depression of the late 20s and 30s, slowly gaining new industries and keeping a few of the old.

The city is changing day by day. Redevelopment and urban renewal are helping in the change and the face of the city is undergoing a real lift.

We relish this development, but with it we want to retain some of the relics, if you will call them that, of the days of Lowell's glory as The Spindle City.

There is a definite tie-in between the Model Cities program under way in the Acre section of Lowell and the proposal of Rep. Morse for an urban park encompassing the canals and the mills.

Administrator Patrick A. Mogan of the Model Cities program basically is attempting to build pride of the people in their area and in their ethnic backgrounds, pride in the education program and pride in their city and its history.

A National Cultural Park as provided by Rep. Morse's plan not only would help develop pride in the city and its history but would attract people here who have heard of Lowell and its role in the industrial revolution, and as well as tourists anxious to visit places of interest such as Lowell.

As Rep. Morse stated in announcing plans for a cultural park here to be included in the national park system:

"Lowell is eminently qualified for such inclusion. Established nearly a century and a half ago this historic New England city was the first in America planned entirely for industry. Its more than 5 miles of canals and locks which once powered the country's finest textile mills today form a perfect unifying framework for a cultural park.

"By designating such a park in an urban area, we are also taking a major step forward in the widely-endorsed and important effort to 'bring the parks closer to people,' closer to the cities where most of our people are concentrated. In Lowell, we will bring a national park right into the city, so that, in essence, this legislation will create the nation's first Urban National Park."

"For too long we have ignored the importance of the environment for learning and recreation, especially in urban areas. We often have in our cities vast resources in the form of historical sites and structures

which are useful for such endeavors but instead of preserving them we tend to let them deteriorate through disuse or become visually obscured or inaccessible through haphazardly-planned modern development. In Lowell today, for example, the flight of the textile industry and the ensuing, economic decline has left a great deal of its historic infrastructure in disrepair. The Lowell canals, major feats of engineering and the first of their kind in America, dominate the contemporary urban scene without making a really positive contribution. Instead of being centers of cultural opportunity, many of our cities have become cultural wastelands."

We feel sure the Morse plan will receive the enthusiastic support of the people of Lowell, and we hope that the Congress and appropriate authorities in Washington will realize the high desirability of fulfilling it based on its merits.

By Mr. TOWER:

S. 3623. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer. Referred to the Committee on Agriculture and Forestry.

Mr. TOWER. Mr. President, I am introducing today a bill which should prove to be of valuable assistance to the cotton producers of Texas and the United States. The struggle of today's farmer is very difficult indeed. Farm operations are expensive and the profit margins are small. One of the most important phases of a farm operation is the price-support program. Many producers incorporate price supports into their complete yearly financial structure. These support payments are based upon the production of an individual tract of land, the rate of payment, and the number of acres devoted to a particular crop.

The bill I am introducing provides for the protection of the established yield of cotton on farms. When cotton is destroyed by means other than natural or intended causes, beyond the control of the producer, the yield will be protected. Established yields for cotton are computed on a prior 3-year average of the annually produced lint cotton. Each individual year, therefore, accounts for one-third of the yield, and is used for 3 years in determining the payment yield.

If by accident, beyond the control of a producer, all or part of a cotton crop is lost, the yield, and in turn the price-support payment, can be drastically reduced.

In Texas, the time for planting cotton and the optimum time for spraying brush often come within the same period of weeks. The spray used to kill brush is naturally quite dangerous to new cotton plants. Wind drifts, accidental spraying of neighboring fields, miscalculating spraying equipment, and many other factors beyond the control of an individual producer, can result in the loss of a cotton crop. Loss by natural causes is protected in the present regulations. Passage of this bill will provide the needed protection of yields from other accidental causes. I urge my colleagues to give this measure their careful consideration.

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

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

S. 3623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended by adding after section 350 a new section as follows:

"SEC. 350a. (a) Notwithstanding any other provision of law, in any year in which a crop of cotton on the farm is destroyed, in whole or in part and before such crop has been harvested, as the result of any act or condition beyond the control of the producer, as determined by the Secretary, the average yield for the farm for such year for the acreage planted to cotton shall, for all purposes, be considered to be the same as the average yield per harvested acre for such year for the county in which such farm is located, adjusted for abnormal weather factors and such other factors as the Secretary determines appropriate.

"(b) Any producer dissatisfied with a decision made by the Secretary under this section with regard to whether or not a cotton crop of such producer was destroyed through no fault of such producer, the portion of such crop that was destroyed, or the yield assigned to the farm in connection with the destroyed crop shall have the same rights of review with respect to any such decision as provided under part I of subtitle C of this title for producers dissatisfied with their farm marketing quotas."

SEC. 2. The amendment made by the first section of this Act shall be effective beginning with the crop of cotton planted for harvest in the calendar year 1972.

By Mr. FULBRIGHT (by request):

S.J. Res. 235. A joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President by request, I introduce for appropriate reference a joint resolution providing for membership and participation by the United States in the South Pacific Commission.

The resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this joint resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary to the Vice President dated May 8, 1972, and the accompanying memorandum.

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

S.J. RES. 235

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 403, 80th Congress, as amended (22 U.S.C. 280b), is hereby further amended by striking out "$250,000" and inserting in lieu thereof, "$400,000" in section 3(a).

DEPARTMENT OF STATE,
Washington, D.C., May 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I submit herewith a proposed draft of an amendment to Public Law 403, Eightieth Congress, which provides for membership and participation by the United States in the South Pacific Commission.

This amendment would replace the present authorization for appropriations in amounts not exceeding $250,000 per fiscal year by authorization for appropriations in amounts not exceeding $400,000 per fiscal year. It would, thereby, permit the United States to continue to play more effectively its international role in this strategic area of the world.

A detailed description of the Commission's work program and our reasons for proposing this amendment are contained in the enclosed memorandum. The Department of the Interior, which administers the two United States territories within the area of the Commission's operations, as well as the Trust Territory of the Pacific Islands (a United Nations territory assigned under a strategic trust to the United States), concurs in this request.

I hope that the Congress can give favorable consideration to the amendment at its earliest convenience.

A similar communication is being sent to the Speaker of the House.

The Department of State has been advised by the Office of Management and Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

MEMORANDUM—JUSTIFICATION OF PROPOSED AMENDMENT TO RAISE STATUTORY CEILING ON U.S. CONTRIBUTIONS TO THE SOUTH PACIFIC COMMISSION

The proposed draft of an amendment to Public Law 403, Eightieth Congress, as amended, would increase the authorization for appropriations to an amount not to exceed $400,000 per fiscal year. At the present time, legislation restricts authority to make appropriations to $250,000 annually.

The South Pacific Commission is made up of the Governments of Australia, Fiji, France, Nauru, New Zealand, the United Kingdom, the United States, and Western Samoa. These Governments administer fifteen territories (and three island countries) scattered over an ocean area which encompasses some twelve million square miles of the earth's surface and includes about 3 million persons. Two territories of the United States—American Samoa and Guam—and the Trust Territory of the Pacific Islands (Micronesia) administered by the U.S. under an agreement with the United Nations Security Council, come within the scope of the Commission and participate actively in the Commission's programs.

The role of the South Pacific Commission is purely consultative and advisory; it has no political authority and no responsibility for the administration of any territory. The Commission confines its activities to those outlined in the agreement which established it—namely, the promotion of the economic and social welfare and advancement of the people in the South Pacific region. The work of the Commission is to supplement and assist the territories in defining problems, par-

ticularly those common to the Pacific, mobilizing resources from within and from outside the area where it is not otherwise available. The Commission carries out projects of investigation, promotes and conducts technical meetings and training courses, provides advice on a wide variety of subjects, initiates and assists research of practical significance to the region, stimulates contacts and exchanges of experience between the peoples of the region, provides clearinghouse services, produces a range of very successful school books and teachers' manuals, teaches English as a second language, and distributes a series of technical publications dealing with subjects of concern to the Pacific Islands. While the Commission helps individual territories, it is becoming increasingly involved in projects that are regional in scope.

The major part of the funds available annually to the Commission is contributed by the eight participating Governments in the following proportions agreed to in accordance with Article XIV of the Agreement Establishing the South Pacific Commission, as amended: Australia—31%; United States—20%; United Kingdom—16%; New Zealand—16%; France—14%; Western Samoa—1%; and, Fiji—1%. (It should be noted that when the Commission was established in 1947, each of the then six participating governments—Australia, France, the Netherlands, New Zealand, the United Kingdom, and the United States—were assigned assessment proportions on the basis of population, with a minimum of 10% for each participant. At that time the U.S. share was 12½%. In 1962, the Netherlands withdrew from the Commission when it relinquished control over Netherlands New Guinea, and its 15% assessment was divided among the remaining members. The U.S. agreed at that time to accept half of it, or 7½%, because its proportion had not been increased in 1951 when, at our request, the scope of the Commission had been nearly doubled so that the Trust Territory of the Pacific Islands and Guam, both of which are north of the Equator, would be included.)

The total amount required for the Commission's calendar year 1972 program (which was approved at the 1971 meeting of the Commission) amounts to Australian $1,217,000 (the Commission operates in Australian currency), of which A$1,105,380 is the assessment budget and the remainder voluntary contributions of territories. The U.S. share of the assessment budget is A$211,076. Under the rate of exchange that was in effect before recent changes in the world monetary situation, this amounted to US$247,605, well within the ceiling. However, since December 22, 1971, the rate of exchange between the Australian dollar and the United States dollar has changed from A$1.00=US$1.12 to A$1.00=US$1.19, thereby raising the U.S. contribution, based on 20% of the agreed assessed budget, to approximately US$264,000, well in excess of the legislative ceiling. Since the assessment is proportionate, the other countries will have to adjust their contributions to maintain the ratio with the United States.

In order for the U.S. to meet its obligation for 1972, as well as to assist the Commission develop fully the important projects in which it is involved on a continuing basis, and to undertake equally important new projects for which there is a need by the territories, the ceiling should be raised. A ceiling of $400,000 would permit the Commission to continue these long-term projects and to undertake new ones, and at the same time meet the inevitable rise in costs, for the next four to five years.

ECONOMIC DEVELOPMENT

The limited natural resources and the rapid increase in population in the islands of the Pacific makes imperative such economic development as is possible. The Commission's activities in this field in 1972 are concentrated on animal and plant production and protection, as well as demonstration, training and research. Projects include Commission participation, jointly with the United Nations Development Program, in the Rhinoceros Beetle Control Project (this beetle destroys coconut palms, the single most important resource of the great majority of the islands) and the South Pacific Fisheries Development Agency. In addition, there is an important program in rat control (another pest for islands that depend upon copra production), as well as the training of Pacific Islands people in basic economics and business methods, and the introduction of useful commercial crops including tropical pasture grasses and fodder crops.

SOCIAL DEVELOPMENT

Current emphasis, as has been the case for the past several years, of the Commission's programs in the field of social development is on community education, youth work, and language training. Continuing projects include the expansion of the program for teaching English (or French, in territories controlled by France) using textbooks developed by the Commission, and the establishment of youth organizations in urban centers to help in combating juvenile delinquency. The most important project in this field is the Community Education Training Center, located in Fiji, where all aspects of home economics and community leadership have been taught to scores of girls and women from the islands of the region.

HEALTH

The aims of the Commission's health program are to provide medical advice and information, including family planning, to assist in the training of health workers, and to conduct research into regional health problems. Continuing projects include maternal and child health, special training courses and seminars on dental health, and a course on the prevention and care of such endemic diseases as filariasis and Hansen's disease (leprosy).

All of the projects referred to have been formulated in close consultation with the administrations of the territories that will benefit from them. In mid-1971, representatives of the territories and member island states met at Commission headquarters to draw up a three-year program for the Commission. Working with the results of this planning committee, the Commission secretariat developed the program and budget for 1972 that will make the best use possible of its own funds and, wherever possible, to cooperate with other international organizations such as FAO, UNDP, WHO, UNESCO, and UNICEF, in joint programs to avoid the duplication of funds and efforts. The Department of State believes that they are practical in nature and will bring direct benefit to the peoples of the area, including those in territories administered by the United States.

The increase in the ceiling will not result in a sudden or sharp increase in the Commission's budget since unanimous consent of the participating governments is required on decisions involving assessment for the annual budget. The total budget is carefully determined by the member governments in an annual budget session; the individual projects are developed with the advice of territorial delegations and a budgetary figure worked out for each. The member governments have, over the years, demonstrated their responsible concern for the work program and for the economical operation of the Commission. Further, the regular annual review by the Committee on Appropriations of the House and Senate offers the Congress an opportunity to review the work of the Commission and the manner of its expenditure of funds.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2569

At the request of Mr. WILLIAMS, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2569, a bill to permit the broadcasting of information on State-run lottery programs via television or radio.

S. 3063

At the request of Mr. ROBERT C. BYRD (for Mr. MUSKIE) the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of S. 3063, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies and committees and members thereof.

S. 3070

At the request of Mr. THURMOND, the Senator from Wyoming (Mr. HANSEN), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3105

At the request of Mr. STENNIS, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 3105, a bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes.

S. 3158

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3158, a bill to establish within the Department of HEW an Office for the Handicapped to coordinate programs for the handicapped.

S. 3262

At the request of Mr. CURTIS, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3262, a bill to amend the Occupational Health Safety Act.

S. 3276

At the request of Mr. DOLE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 3276, a bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

S. 3407

At the request of Mr. WILLIAMS, the Senator from Kansas (Mr. PEARSON), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3407, the Supplementary Education Services for the Handicapped Act.

S. 3495

At the request of Mr. DOLE, the Senator from Hawaii (Mr. INOUYE) and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of S. 3495, a bill to provide reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Michigan (Mr. HART) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3603

At the request of Mr. BOGGS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 3603, a bill to authorize demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware.

SENATE JOINT RESOLUTION 73

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Joint Resolution 73, designating the Week of the Young Child.

SENATE JOINT RESOLUTION 202

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 202, expressing the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

SENATE JOINT RESOLUTION 206

At the request of Mr. MONDALE, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Joint Resolution 206, relating to the sudden infant death syndrome.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1201

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

Mr. BAKER submitted an amendment intended to be proposed by him to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1103

At the request of Mr. WILLIAMS, the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of Amendment No. 1103, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

NOTICE OF HEARINGS—SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. HRUSKA. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on May 23, 24, and 25, 1972. The hearings on May 23 will be conducted in room 3302, New Senate Office Building, and those on the 24th and 25th will be held in room 2228, New Senate Office Building. The hearings will begin each day at 10 a.m. Additional information can be obtained from the subcommittee staff in room 2204, telephone extensions 5-3281.

ANNOUNCEMENT OF PENSION HEARINGS

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Labor will hold hearings on S. 3598 and other pension legislation pending before the subcommittee on June 20, 21, 23, 27, 28, and 29. Those wishing to present their views are invited to contact the Special Counsel for the Subcommittee on Labor, Mario T. Noto, at 225-3656, no later than June 6, 1972.

ADDITIONAL STATEMENTS

STATEMENT OF VICE PRESIDENT AGNEW ON ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE

Mr. ALLEN. Mr. President, for some days the distinguished President of the Senate, Vice President SPIRO T. AGNEW has been overseas in the performance of missions for President Nixon, in Japan, Formosa, and Saigon. He was not too busy, though, to be deeply disturbed and concerned over the news of the attempted assassination of Gov. George C. Wallace, of Alabama. His genuine interest in Governor Wallace's health and welfare is greatly appreciated.

Mr. President, I ask unanimous consent that the text of a news release dated May 15, 1972, issued by the Vice President be printed in the RECORD.

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

OFFICE OF THE VICE PRESIDENT,
Washington, D.C., May 15, 1972.

STATEMENT BY THE VICE PRESIDENT

I am shocked and saddened to learn of the wounding of Governor Wallace. Our concern goes out to the Governor's wife and children at this hour, as well as to the families of others wounded in this brutal assault. We fervently hope for their early recovery.

(Simultaneously released, Tokyo, Japan, and Washington, D.C.)

TAKING NIXON TO TASK

Mr. GOLDWATER. Mr. President, today my purpose in addressing the Senate is not to compliment the President of the United States, which is my usual object—but it is to take him sternly to task for running an unnecessary risk which could prove costly not only to himself and to his family, but to his Nation.

Mr. President, my reference is to a story in the morning newspaper which indicates that Mr. Nixon is going to continue his practice of going into crowds which come to greet him and mingle with them in a fashion which makes it impossible for our very efficient and dedicated Secret Service agents to afford him proper protection.

Mr. President, I have had the experience of putting up with security precautions, of being bedeviled by screwball threats that have caused police a great inconvenience and have many times forced the alternations of well-laid campaign plans, changes in long-planned schedules, and other types of disruptions which were felt necessary because of police judgment. I also know, Mr. President, the great desire to be done with all the fuss; to say to yourself "I'm only one person, and I'm certainly not important enough to have all this fuss made about me." What is more, Mr. President. I come from the West, where men are men and physical bravery is a factor in the judging of a man's makeup. I know the desire to shrug off precautions and even show an element of bravery almost as though we were daring the enemy to do his worst.

But my point, Mr. President, is that during my campaign in 1964 I finally reached the stage where I realized it was not my decision to make—that the lives, the welfare, the energies of thousands of people working in my behalf also were involved.

So, Mr. President, if a man whose chances were as meager as I knew mine to be in 1964 could decide that his safety had an element of importance to others, I certainly believe the President of the United States should think not only of himself but of many others when he discards the protection of the Secret Service men and mingles with friendly crowds. Nobody knows what can lurk in a friendly crowd. Mr. George Wallace found that out to his great distress and to the great distress, I am sure, of every Member of this body when he lowered his security guard for the one small instant it took for a would-be assassin to pump three bullets into him.

Everyone knows that there is no possible way on earth that a man campaigning can be protected 100 percent of the time in 100 percent of the circumstances. But I believe that the odds can be greatly reduced if the men whose lives might be sought would cooperate to the fullest extent with what their advisers and their security people suggest. I am extremely fond of Dick Nixon. I believe in his policy of government, and I believe he is one of the best things that has ever happened to our country. It is for this reason that I feel entitled to offer a word of criticism and advice.

THE NATIONAL RIGHT TO READ EFFORT

Mr. BIBLE. Mr. President, the State of Nevada is actively participating in the National Right to Read Effort to help

the 21 million Americans who lack the basic reading skills necessary to daily work and enjoyment.

Every State in our country today is facing a reading crisis. Teachers estimate that 43 percent of the children in elementary school need special help with their reading problems.

I am proud to report that the people of Nevada are meeting this problem.

On April 20 and 21, representing a number of statewide and local voluntary organizations, 68 Nevada citizens met in Reno to participate in a 2-day reading tutor-trainer workshop, scheduled by the National Reading Center of Washington, D.C.

These trained volunteers have now returned to their communities to teach other volunteers how to tutor primary-grade children in reading.

Nevada county school districts involved in planning and participating in the workshop were Carson City, Elko, Clark, Churchill, Lincoln, Nye, White Pine, and Washoe.

Other organizations participating in the workshop included: the Nevada State Department of Education; State and local parent-teacher associations, the Ministerial Association of Las Vegas; the Washoe County Retired Teachers Association; and the General University of Nevada, Reno.

There is no charge to local volunteers for the tutor-training program of the National Reading Center.

An article published in the April 1972, issue of People magazine, the Journal of the National Council of Catholic Laity, describes in some detail the center's nationwide program for training volunteer reading-tutors.

I ask unanimous consent that the article, entitled "What If You Couldn't Read" be printed in the RECORD.

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

WHAT IF YOU COULDN'T READ

(By Beth Joselow)

If you are able to read this paragraph easily, without stopping to sound out a difficult word, you are a functional reader. You probably take for granted your ability to read and to get along in a world increasingly defined by the written word.

In our society, however, millions of children and adults are not functional readers. They do not have the minimal reading skill required in their jobs, in school or in reading essential instructions, signs, warnings, labels, directions or messages which they encounter daily.

A new and significant national movement has been launched in response to our growing awareness of the reading crisis we face in America today. In 1969 the U.S. Commissioner of Education, Dr. James E. Allen, called on the nation to create the Right to Read. Subsequent study and analysis led to the designation of the 1970's as the decade during which every American should be provided the opportunity to have his Right to Read. In the summer of 1970 President Nixon created the National Reading Council, to spearhead the drive to bring the non-school, private sector of our society into the partnership to make the Right to Read available to all.

The Council, which includes 60 distinguished citizens and students, established the National Reading Center as its operating arm in Washington, D.C. Walter W. Straley, vice president of the John Deere Company, is the national chairman. Mrs. Richard M. Nixon is the honorary chairman. Dr. Donald G. Emery, a career educator, is executive director of the Center. Located at 1776 Massachusetts Avenue, N.W., the Center operates on a grant from the U.S. Office of Education.

The primary goal of the National Reading Center is to help people help other people learn to read. The strategy is to increase the total manpower in the nation devoted to helping nonreaders learn to be readers. The plan is to train the thousands of citizens who can help. The need may be as great as 10 million Americans to help by our National bicentennial year, 1976.

Two Louis Harris & Associates surveys commissioned by the National Reading Council in 1970 and 1971 have shown that over 18 million adults (aged 16 and older) are unable to read with understanding, at least 70 percent of the questions on standard application forms such as those for driver's licenses, Medicaid or personal bank loans. They have the same problem with classified ads for jobs, or housing and long distance telephone dialing instructions in the phone book.

These people are unable to and have no desire to read for pleasure. They cannot write to friends or take down telephone messages. They cannot read the news of the day or laugh at the comic strips. They cannot read a new recipe or follow written instructions. They cannot advance on the job if basic reading skill is required. The nonreader finds himself in danger. And the number of nonreaders constitutes a danger to society.

A nonreader must depend on a variety of compensating techniques to get along in his day-to-day activities. Though our political system presumes a literate population, the nonreader must depend exclusively upon radio, television and the advice of friends for decisions on public issues and candidates for elective office. Unable to read, he is less a citizen, a worker, a neighbor. He is a potential welfare burden.

The staff of the Center has already taken action to help nonreaders, through its volunteer reading tutor training program. This program is aimed at preparing adults to tutor primary grade children either in school or elsewhere. Statewide Pilot training programs have been conducted in Iowa, Ohio, and in Washington, D.C. These pilot sessions have helped refine the plan being used this year. Later training plans will prepare volunteer tutors to help adults, school dropouts, migrant workers and other special population groups. The staff of the Center is presently implementing statewide training workshops to be held in 20 states this year. The remaining states will be involved in 1973.

The plan is being implemented as follows:

Statewide organizations such as the Parent-Teacher Association, the American Library Association, the Urban League, Church Women United, or any state organization of citizens can invite National Reading Center Assistance in helping to set up and conduct a volunteer trainers' workshop for their state. With two or more statewide organizations cooperating to sponsor tutor training sessions in their state, the Center assumes an active role in the program. First, a planning meeting is held in the state. Sponsoring organizations will then help assemble 100 trainers from 20 to 30 local communities. A two-day tutor trainers' workshop, using Center materials, will be directed by the NRC staff in a central location in the state. Potential tutor trainers from those communities or organizations which are prepared to sponsor tutor training programs will be taught how to use the Center's tutor training materials.

The tutor trainer is an individual who has had some teaching experience and some knowledge or education related to the teaching of reading. Because the tutor trainers will be working with adult tutors in their home communities, it is preferred that they have some experience with teaching adults.

After completing the two-day workshop, the tutor trainer will return to the home area to train locally recruited volunteers. Groups such as the YMCA, a church, a school, a public library, or a chapter of a service organization may serve as local sponsors, can provide space for training, and may wish to assist in coordination of the program.

"These people cannot write to friends or take down phone messages.

They cannot read the news of the day or laugh at the comic strips.

They cannot read a new recipe or follow written instructions.

The nonreader finds himself in danger.

And the number of nonreaders is a danger to society."

Each trainer is committed to training 100 volunteer tutors. Thereby, 10,000 trained volunteer reading tutors can be created in a state to help primary grade children learn to read better.

Tutor trainees will participate in 12 hours of seminar activity and six to eight hours of practical training experience working with children. The 12 hours of instruction have been developed from ideas inherent in existing tutoring programs. The first hour is devoted to a definition of the role of the tutor. The curriculum then proceeds through such topics as: 1) things to do when the tutor first meets the child; 2) how to plan lessons geared to specific reading skills; 3) how to evaluate the child's performance and 4) how to prepare inexpensive materials which can be used in tutoring sessions.

Each tutor will receive the NRC Tutor's Handbook, which can be used as a reference and aid when he is actually tutoring. The handbook includes sample lessons illustrating teaching procedures for each of 60 reading skills.

Classroom teachers of students in the tutoring program will participate in a three-hour orientation series in the philosophy of training to which the tutor has been exposed. The Center has devised a special Teacher Orientation Handbook. The classroom teacher and program administrator then understand clearly what a tutor can be expected to do and, on the other hand, what the tutor has been advised not to do.

Through the NRC volunteer tutor training program, a teacher's limited time will be supplemented by volunteers in areas where they can help. The old problem of willing but untrained volunteers who sometimes were more of a hindrance than a help will thus be avoided. The classroom teacher will supervise the work of the volunteer tutors, who will provide children in her class with the individualized reading help they need.

The NRC 20-state training workshops will begin in March and continue through the summer. Individuals who wish to participate in the program as tutor trainers or tutors should make contact with local sponsoring organizations or the volunteer coordinators. A list of states and local contacts now meeting with the National Reading Center follows:

STATE CONTACTS

CALIFORNIA

Mrs. Doyle Hoffman, PTA, 930 Georgian St., Los Angeles, Calif. 90015, (213) 620–1100.

COLORADO

Mrs. G. W. Swallow, PTA, State PTA Office, Rm. 221, 1441 Welton, Denver, Colo. 80202, (303) 757–3420.

CONNECTICUT

Mr. A. Lerner, PTA, Hampden-New Haven Cooperative Center, Follow Through Program, 1450 Whitney Avenue, Hampden, Conn. 06517, (203) 288–7926.

DELAWARE

Dr. Stanley P. Weissman, State Superintendent of Reading, Department of Public

Instruction, Dover, Del. 19901, (302) 678–4856.

GEORGIA

Dr. Ira Aaron, University of Georgia, Athens, Ga. 30601, (404) 542–2718.

ILLINOIS

Mr. James W. Bokenkamp, 8223 S. Meade St., Burbank, Ill. 60459, (312) 425–4595.

INDIANA

Dr. James Adams, PTA Headquarters, 2150 North Lafayette Road, Indianapolis, Ind. 46222, (317) 635–1733.

KANSAS

Mrs. A. D. Mayfield, PTA, 3415 West 10th, Wichita, Kans., (316) 943–3810.

LOUISIANA

Mrs. Madelyn Wills, PTA, c/o Safety Council, Parish Government, Lake Charles, La. 70601, (318) 436–3354.

MARYLAND

Mrs. Maureen Lamb, PTA, Box 144, Route 3, Arnold, Md. 21012, (301) 757–3354.

NEW YORK

Mrs. John Vandermasten, PTA, 2854 Beverly Road, Oceanside, N.Y. 11572, (516) 766–1894.

OREGON

Mrs. Vernon Wanless, PTA, 620 Linfield Avenue, McMinnville, Ore., (503) 472–2031.

PENNSYLVANIA

Dr. Donald L. Cleland, 125 Marian Avenue, Glenshaw, Pa. 15116, (412) 486–3321.

TEXAS

Mrs. Jean Harris, PTA, Box 446, Agua Dulce, Tex. 78330, (512) 998–2219.

VERMONT

Mrs. Allen Bent, PTA, R.F.D. No. 1, Roxbury, Vt. 05669, (802) 457–2664.

WASHINGTON

Dr. Lois Roth, Department of Public Instruction, Box 527, Olympia, Wash. 98504, (206) 753–6752.

WISCONSIN

Mrs. Marion Liefer, PTA, 223 N. Baldwin Street, Madison, Wisc. 53703, (608) 256–1312.

No one can really not want to read. If nothing else, man's natural curiosity motivates him to want understanding of the meaning behind the printed symbol. Reading opens up the world, both past and present, as no other key has done. Reading continues to be the key to independent learning—and now it is becoming increasingly necessary for survival. People who have learned our oral code for speaking (largely through family and home-based instruction) have the same potential for acquiring the written code for reading and writing. Even the increasing use of television, radio, electronics, lasers and computers does not remove the need to read. Although life may be made easier for the poor reader by simplified public signs and documents, the need to read will remain. People must have the opportunity to be taught how to read. Everyone has the right to learn to read.

The Right to Read cannot be assured through schools or through teachers alone. There are not enough of either, and the cost of this single route would be prohibitive. Citizens as concerned volunteers, must rise to the challenge. Almost everyone can find two or three hours in a week to help another American learn to read better. It can be done. It is being done. Volunteering is a great tradition of our land. Many groups and organizations already help in this area. Many communities have volunteer action centers which can offer leads for helping.

At least three-fourths of the American people can read. The job is to help the other fourth get their fair chance to a Right to Read now—in this decade. If volunteers (willing to spend up to 20 hours for orientation) do not step forward, other Americans must forfeit their Right to Read. The volunteer tutor can become the avenue to the Right to Read for people who need his help.

ONLY FUNCTIONAL READERS NEED APPLY!

Like every other right, the right to read is achieved by an intelligent militancy which demands concerted responsibility from teachers, paraprofessionals, and volunteers. *People* readers/lovers are probably as shocked as I to learn via Beth Joselow of the eighteen million Americans without minimal reading skills.

Please read and re-read Ms. Joselow's presentation of the National Reading Council's plan to end functional illiteracy. *People* readers who understand the implications to us as Americans and Christians will invest the time required for training and the love required for tutoring to insure the right of primary school children to the acquisition of minimal reading skills. Write the State Contact listed by Ms. Joselow, or the National Reading Council, 1776 Massachusetts Avenue, N.W., 20005, for further information or to enlist!

In the December CAC quarterly we toasted Mrs. Albert Jarvis, Orlando CAC Co-chairman. Mrs. Jarvis was chosen as a *Citationist* by the 1971 Annual Voluntary Awards committee of the National Center for Voluntary Action for her success in introducing the Laubach Literacy Program in her community. The Laubach program is having a significant impact on reducing illiteracy among adults being tutored on a one-to-one basis.

Volunteer service in either program seems an appropriate way to express our gratitude to those teachers, parents, and influences, which secured the right to read for each of us, with the consequent "open sesame" to social, cultural and economic growth. (The house number for the National Reading Center has obvious significance—*vive l'-independence!*)

JOHN CONNALLY—GOOD FOR THE COUNTRY

Mr. BELLMON. Mr. President, John Connally's arrival in Washington sparked a more resolute posture by the Nixon administration in the management of the country's fiscal affairs. During his brief stay here, we have seen a successful wage-price control program put into effect. We have seen the institution of a surcharge on imports leading to international monetary reforms. We have seen a reevaluation of monetary gold prices. And we have seen a restructuring of international trade patterns and voluntary restraints by exporting countries.

There is no question that John Connally has been good for the country, good for the Nixon administration, and good for the Nation's Capital.

During his service as Secretary of the Treasury, John Connally has demonstrated unbounded abilities in government. He leaves behind a legacy of national respect and good will, and I feel confident that when and if the country needs him again, he will return to public service.

CITIZENS FOR NATIONAL DEFENSE MISLEADS CONGRESS AND COUNTRY

Mr. PROXMIRE. Mr. President, last night I released a letter to the executive director of a group called Citizens for National Defense in which I charged that a brochure the group is widely circulating to Congress and the public is "misleading, inaccurate, mistaken, and deceptive."

I wrote to them:

I do not understand why you would want to downgrade the United States in exactly those areas where our strategic power is overwhelming.

The brochure which was sent to Members of Congress compares the United States and U.S.S.R.'s military strength by portraying a U.S. missile side by side with a Soviet missile. Captioned "military strength" the Soviet missile is more than half again as tall and twice as wide as the U.S. missile and is surrounded by a mushroom cloud 12 to 15 times the area of the U.S. portrayal. The text compares the United States unfavorably to the Sovet Union in the number of missile launchers and megatonnage. The Los Angeles based group intends to launch a major television campaign in which the brochure will be mailed to those responding to the TV campaign.

In my letter I charged:

Your comparison is based on the number of launchers and megatonnage. There is no accurate way a comparison can be made using only those two items.

You leave out entirely our bomber fleet numbering approximately 512 planes. . . . the fact that many of our weapon launchers are MIRV'd but that the Russians are not , . . . the crucial fact that we have 5,700 offensive force loadings compared with only 2,500 for the Soviet Union , . . . the 3,000 to 4,000 tactical nuclear weapons we have on the periphery of the Soviet Union, . . . the far greater accuracy of our weapons, . . . that our 656 SLBM (submarine launched ballistic missiles) launchers will soon have up to 10 MIRV's warheads each while the 580 Soviet SLBM launchers do not have that capability, . . . that our weapons have both greater sophistication and greater reliability than do the Soviet weapons , . . . that by the 1975–6 period we will have about 9,000 offensive force loadings, . . . that our submarine launched ballistic missiles are invulnerable to Soviet detection, and that our 5,700 offensive force loadings are 14 times the number needed to destroy 30 percent of the Soviet population and 75 percent of her industry.

I concluded by saying:

Let's keep America Number 1. But let's do it by getting at our weaknesses rather than downgrading our overwhelming strength.

Mr. President, I ask unanimous consent that the text of my letter to James Cawdrey, executive director of the Citizens for National Defense, be printed in the RECORD.

There being no objection, the letter was ordered to be pirnted in the RECORD, as follows:

Mr. JAMES CAWDREY,
Executive Director,
Citizens for National Defense,
Los Angeles, Calif.

DEAR MR. CAWDREY: As one who believes with you that America must be No. 1 in national defense, and who has framed your poster and put it on my wall directly behind my desk, I object to the brochure you say will be sent out to those who respond to your television commercial. That brochure is misleading, inaccurate, mistaken, and deceptive. Furthermore, I do not understand why you would want to downgrade the United States in exactly those areas where our strategic power is overwhelming. Let me be specific.

(1) Your comparison is based on the number of launchers and megatonnage. There is no accurate way a comparison can be made using only these two items. The Secretary of Defense has said so and again only recently.

(2) You leave out entirely our bomber fleet numbering approximately 512 planes as of June 30, 1972. The Russians have no effective intercontinental bomber fleet comparable to ours with only 140 very, very old planes.

Our B–52's can carry an average of 3 bombs up to 20 megatons each or 30,700 megatons (512x60). Even if we use a conservative figure of 10 megatons per plane, your brochure has downgraded our megatonnage by at least 5,120 megatons (512x10).

(3) You leave out entirely the fact that many of our weapon launchers are MIRV'd but that the Russians are not.

(4) You leave out the crucial fact that we have 5,700 offensive force loadings compared with only 2,500 for the Soviet Union and that over the last year alone we have expanded these at a much more rapid pace than the Soviets.

(5) Your calculations overlook the fact the MIRV'ing weapons—which obviously makes our launchers more devastating—actually reduces megatonnage by up to 40%. When the Russians MIRV their intercontinental missiles, many will say that is a major gain. But that fact alone will reduce their megatonnage. Megatonnage is misleading.

(6) You do not count the 3,000 to 4,000 tactical nuclear weapons we have on the periphery of the Soviet Union which can be delivered by air on Soviet targets.

(7) The brochure gives no indication of the far greater accuracy of our weapons. Three 200 kiloton accurate weapons delivered by our MIRV'd Minuteman are far more devastating than one fifteen megaton relatively inaccurate weapon delivered by the Soviet Union. Your experts must know that our military at the highest levels decided, quite correctly, that we should build small, accurate, MIRV'd weapons rather than huge, relatively inaccurate blockbusters. Our strength lies in the fact that we have done this while the Soviets have not even yet been able to duplicate that.

(8) Your calculations leave out the fact that our 656 SLBM launchers will soon have up to 10 MIRV'd warheads each while the 580 Soviet SLBM launchers do not have that capability.

(9) Your comparison completely downplays not only accuracy but also the fact that our weapons have both greater sophistication and greater reliability than do the Soviet weapons.

(10) Your comparison leaves out the fact that by the 1975–6 period we will have about 9,000 offensive force loadings plus the 3,000 to 4,000 tactical weapons on the periphery of the Soviet Union.

(11) Your comparison says nothing about the fact that our submarine launched ballistic missiles are invulnerable to Soviet detection and that the Soviets do not, therefore, have a first strike capability nor is one in the offing. At the same time their submarines are very noisy and much more easily detected than ours.

(12) Your comparison completely overlooks the fact that our 5,700 offensive force loadings are 14 times the number needed to destroy 30 percent of the Russian population and 75 percent of her industry. That is certainly more than enough weapons to deter her from a first strike. That is overkill in spades.

For all of these reasons your brochure and missile comparison, clearly implying that we are behind the Russians is just dead wrong. We are very much ahead of them. We are number one in the nuclear strategic deterrent field.

But even more, why not get at those things where we do need to do better.

(1) The F–14 at $16 m. a copy is a lemon of the first order.

(2) Why do we put big money into highly vulnerable aircraft carriers, their supporting fleets whose main purpose is to protect the vulnerable carrier, and the F–14 lemon to protect the carrier? That is idiotic.

(3) Why are we told to spend up to $20 billion on AWACS to protect against a very outmoded Russian bomber fleet when we, correctly, are not building a heavy defense against ICBM's that travel 30 times the speed of the bombers?

(4) Why should we continue to be plagued with procurement wastes—huge cost overruns, weapons which do not work, and weapons almost never delivered on time?

(5) Why do we continue to have more general officers and high ranking men just below general officer level than we had at the height of World War II?

(6) Why do we have such a huge logistic tail and such few trained combat troops?

(7) Why does the number of civilians in the Department of Defense per 100 fighting men continue to rise? We need more combat ready troops, and fewer bureaucrats.

Let's keep America Number 1. But let's do it by getting at our weaknesses rather than downgrading our overwhelming strength.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

CONGRATULATIONS TO WILLIAM BORTHWICK ON HIS 100th ANNIVERSARY

Mr. FONG. Mr. President, I have the rare privilege of paying my compliments to a very dear friend who will be a centenarian next Monday. On that day, William Borthwick will observe his 100th birthday anniversary in Honolulu with his family, relatives, and friends.

I count Bill Borthwick among those fortunate individuals who not only have attained a ripe old age but also have filled their lifetime with good and worthy deeds. He has been successful both in public life and as a businessman.

Bill was born in Barry, Ill., on May 22, 1872. But he spent most of his life in Hawaii, where he made his home in 1914. He was elected to the Hawaii Territorial House of Representatives and served from 1932 to 1934. He became Hawaii's Tax Commissioner from 1934 to 1950. He founded the Honolulu Savings & Loan Co., which has grown into a large firm, and he was also the president of the Borthwick Mortuary, now operated by his grandson.

While I return to Honolulu this weekend, I hope to be able to extend my personal congratulations to this grand old man.

Although time has dimmed his eyesight, he still retains that sparkling, sprightly spirit of years gone by. A clear mind a witty personality—these qualities he still possesses today.

His friends were legion because he held out a helping hand to those who came to him in need, whether for advice, a job, or a personal favor.

I remember him as a colorful personality in Hawaiian politics. He was a great orator, drawing on his down-to-earth philosophy and a forceful manner of speaking. His store of stories was endless.

As he reaches his milestone anniversary. I join his hosts of admirers and friends in wishing him a glorious "happy birthday."

So to my good friend William Borthwick, as he celebrates his 100th birthday,

May your blessings be as full as the Eastern Ocean, and your life as everlasting as the Southern hills.

I ask unanimous consent to have printed in the RECORD the text of a resolution adopted by the Senate of the Sixth Legislature of Hawaii, congratulating William Borthwick on his 100th birthday.

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

S. RES. No. 203

Resolution congratulating William Borthwick on his 100th Birthday

Whereas, William Borthwick was born on May 22, 1872, in Barry, Illinois, and came to Hawaii in 1914; and

Whereas, William Borthwick was prominent in business, establishing Borthwick Mortuary and founding Honolulu Savings & Loan; and

Whereas, William Borthwick was active in politics, being a leader of the Democratic Party in the thirties, a member of the Territorial House of Representatives and Tax Commissioner of the Territory; and

Whereas, William Borthwick was the recipient of the Freedom Medal from the late Syngman Rhee, President of South Korea; and

Whereas, William Borthwick will soon be observing his centennial to mark a long and illustrous life; now, therefore,

Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that this body extends its warmest congratulations to William Borthwick on the occasion of his 100th birthday; and

Be it further resolved that a certified copy of this Resolution be transmitted to William Borthwick.

THE EMPTY AMERICAN SEAT AT PARIS

Mr. KENNEDY. Mr. President, today, as the regular weekly Thursday meeting of the Paris peace talks once again approaches, we see yet another demonstration of the persistent reluctance of the administration even to take its seat at the peace table, let alone take part in the negotiations. Once more, the Vietcong and the North Vietnamese have stated their intention and desire to be at the Thursday conference. Once more we hear that the United States and South Vietnam will boycott the session. And once more we hear the administration's hollow and paradoxical charge that it is the other side which refuses to negotiate, that the United States will not lend its presence to a propaganda forum for North Vietnam.

Is our own negotiating position so frail that even our very presence at the negotiating table would be an automatic propaganda victory for the other side? How can we possibly justify a situation in which the only empty seat at the peace talks is the American seat? Is not that a far more substantial propaganda victory for the North, a victory all the more distressing because it is so unnecessary, a victory won by default, because the United States declined even to participate in the forum?

Again and again in recent weeks, we have seen this same dismal pattern of boycotting the only forum really capable of bringing peace in Vietnam. Again and again, we have heard claims that America has gone the extra mile in the search for peace in Paris. And yet, again and again, we have seen the headlines that the United States refuses to attend the peace talks.

We have even heard the President boast that one of our recent offers in Paris is the most generous peace offer in the history of warfare. Why, then, are we so reluctant to have our peace offer tested by open and robust discussion in the forum of the peace talks in Paris? If our own proposals are so eminently fair and reasonable and generous, surely they can withstand all the propaganda North Vietnam is capable of generating, and much more besides.

Perhaps as many observers say, the only really fruitful negotiations in Paris are those that take place in the secret sessions. Perhaps, in light of the impending trip to Moscow, it is inconvenient for Dr. Kissinger to be in Paris this week for a further session with Mr. Tho, although it would not seem obviously inconvenient for Dr. Kissinger to pause in Paris and rejoin the President's party in Salzburg, at the stop that has been planned en route to Moscow. Perhaps, as the administration implies, there is no real hope of progress in either the public or private talks at this time.

But we shall never know unless we try. What we do know is that, in the eyes of the American people, and people of nations throughout the world, we are not in fact going the extra mile for peace when our seat in Paris is empty.

To me, the cause of the Paris impasse is clear. The President brands the North Vietnam peace proposal as unacceptable, because, he says, they refuse to consider any settlement that does not guarantee Communist control of South Vietnam. But isn't it equally clear by now that the only peace offer the United States is willing to make is an offer that guarantees the survival of President Thieu in office in South Vietnam?

So long as both sides continue to present these "nonnegotiable" demands, the killing in Indochina will go on. We know there can be no genuine peace settlement until North Vietnam and the Vietcong are willing to accept a legitimate compromise at the conference table. But we also know that there can be no real peace until the United States itself is also willing to accept a compromise that does not necessarily guarantee the political survival of President Thieu.

And so, because of this unconscionable deadlock at the peace talks, the war goes on. After all the killing and violence of recent years in Indochina, after tens of thousands of American lives have been sacrificed, after hundreds of thousands of Vietnamese lives have been lost, after millions of innocent victims have been ravaged by the war, we see how little we have learned from all the death and devastation wrought in Indochina.

While Vice President AGNEW stands with President Thieu in his palace in Saigon today, the peace table in Paris will stand abandoned tomorrow. There could be no more clear-cut indictment of our inability to find the road to peace than the juxtaposition of these two dramatic and symbolic events.

I hope that in the days to come, the administration will reconsider its position on the Paris talks, so that no more Thursday sessions will pass without the presence of the United States at the conference table. Only in this way can we demonstrate that the search for peace is truly America's highest goal.

NEED TO REORGANIZE MANPOWER TRAINING PROGRAMS

Mr. BOGGS. Mr. President, the Committee on Labor and Public Welfare currently has pending before it S. 3421, the Community Manpower Training and Employment Act of 1972.

Similarly, the Committee on Education and Labor in the other body has pending before it H.R. 11167, the Employment and Manpower Act of 1972.

As I undertsand it, hearings have been completed by both committees, and the two bills are ready for markup. Members of both committees, I know, have been busy with the conference on the Higher Education Act, on which there were many obvious differences.

However, I would hope that the two committees will be able to act in the near future on this most important manpower training legislation.

The concept of these bills is important. We must take action to reorganize our manpower training programs so that they more efficiently meet the needs of our citizens who need jobs. This legislation would go far toward that goal, I believe.

I need not remind Senators that I also have another great interest in this legislation. That is, that it would provide systematic Federal support for the opportunities industrialization centers. I have in the past offered specific funding legislation for OIC and I have been pleased to see it included in this omnibus legislation.

The opportunities industrialization centers, I believe, are as effective, or more effective, than any manpower program in this country today. And they do their job with minimal Federal assistance.

Mr. President, the founder of OIC, the Rev. Dr. Leon H. Sullivan, recently spoke before the New England Governors Conference. In regard to the manpower legislation now before the committees, Doctor Sullivan said:

> We hope this time this bill does what it is supposed to do in providing manpower services to the American people, and we intend for OIC to be a vital part of the philosophy of the new manpower bill and its enactment.

It would be tragic, I believe, if the 92d Congress passed into history without enacting manpower legislation. It would be equally tragic if this Congress adjourned without providing the opportunities industrialization centers the help they so urgently need to carry on and expand the fine work they have begun.

Mr. President, I ask unanimous consent that Dr. Sullivan's remarks and also a recent column by Nick Thimmesch, of the Los Angeles Times syndicate, be printed in the RECORD.

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

SPEECH GIVEN BY REVEREND LEON SULLIVAN BEFORE THE NEW ENGLAND GOVERNORS' CONFERENCE

Something can be done about the plight of the poor, the unemployment and deprivation in the nation. We can help every citizen to become a part of the opportune benefits of America if we set our priorities as a nation to deal with the causes, and attack those causes with order and deliberation and percussion, step by step, we can succeed; remembering that the extent of the "American Will" is the key to success. For the problems of "Forgotten America" cannot be solved by the government alone; nor by the Congress, or by the President, or Governors. They can lead the way, and they should lead the way, because they are the representatives of the people, but in finality the extent of the "Will" of Americans to change conditions and to deal with the causes, is the ultimate answer. It will mean government, industry, unions, church and fraternal groups, and the majority of the people building America together, so that every American, Black and White, can be a first class American citizen, free, independent, and able to stand on his own feet.

Americans are an extraordinary nation. We can do what we want to do if we have the will to do it; and we can, if we try, eradicate the pitable state of so many of our people who live in such depression, in the midst of so much plenty. If America will set ourselves to the task, in time, we can help every citizen who wants to be helped, to stand on his feet like a man. We can do anything we will to do. "If we can put a man on the moon in outer space, we can put a man on his feet in Mississippi."

There are some things that we can do now in this direction; I want to tell you about one of these things: A program called OIC, and ask your support as Governors of the Great New England States in the development of this work.

In this respect I stress the vital importance of training people who are untrained, unemployed, and underemployed to be productive workers, so they will be able to get a job, and hold a job, and become taxpayers, rather than tax consumers. As George Shultz has so rightly said: "The training of the manpower of the country is essential to the economic prosperity of the nation." As I see it, the first basic need for America is education and manpower training. This is particularly true for Blacks. Because as important as making the job available is, the ability to do the job is more important. I believe in integration. It was I who lead the first great boycotts against national companies in the land that discriminated against my people. I know the importance of integration; but, too, I know that: "Integration without preparation, is frustration." Preparation is essential for my people's progress, as well as others.

In my opinion, manpower programs as they have been carried out in the past, have been a national disgrace. Many of these programs in the name of manpower training, have only served to recycle poverty and to perpetuate unemployment. Some of these programs have supported disparagement, becoming havens for drug addicts, alcoholics and neighborhood con artists who have gone from program to program collecting their stipends with no real aim to go further. There is a new Manpower Bill soon to come before the Congress of the United States. We

hope this manpower bill does not become a manpower racket. We hope this time this Bill does what it is supposed to do in providing manpower services to the American people, and we intend for OIC to be a vital part of the philosophy of the new Manpower Bill and its enactment.

We do not want manpower programs that will train the unskilled in the lowest paid skills leading to dead-end jobs, designed more than anything else to keep young people off the street, and quiet when summertime comes. We want a manpower bill that assures funds will be used to help people who need and want the training and the jobs, and not used to employ political hacks and to sweeten the patronage pot of mayors and governors. We want a manpower bill that will not play games with the poor anymore. Most of the poor want a "way out" of poverty, a "way out" of unemployment, and a "way out" of the welfare trap. We believe we have found the "way out" in OIC.

OIC is not a government program. It was started in the ghetto itself, in an old abandoned jailhouse in Philadelphia, by the poor themselves, to help them to get out of the mess they were in. Other manpower programs were screening poor people out. OIC was created to screen poor people in. The message of OIC spread through the City of Philadelphia, giving the angry, and the hopeless, a second-last chance. People came from everywhere because they believed the program honestly cared about their needs; and the program worked. It worked for thousands of people who were on relief, and who were unemployed, Black and White, in Philadelphia. Then OIC began to spread like a movement of self-help across the nation until now, OICs are developing in 100 cities in America, training thousands of men and women daily, in scores of different skills, putting them on jobs, and teaching them to realize that: "Genius is color blind and that like a balloon, it is not the color of a man that makes him rise, but what he has inside of him."

OIC has become a program of hope for America—"the Way Out." An unprecedented outpouring of industry has rallied to our side, and it is our aim to mobilize 10,000 businesses across America, in the next two years, to work with us side by side, in solving the manpower problems of the ghettos, the concentrated communities, and rural America. It will be the greatest mobilization of businesses to help the poor in the history of America. By the end of 1973, we want to be training 100,000 people a year with new skills and place them into new jobs, and by the end of the decade, it is our goal to train one million men and women into productive employment; 50,000 of whom will be prepared to be entrepreneurs and managers of their own businesses and enterprises. If we succeed, OIC will add $30 Billion Dollars to the economy of the nation and save Americans $10 Billion Dollars in relief checks. We could begin to stem the tide of welfarism in America.

The need for OIC and other manpower efforts is great. By the year 2000, one-half of all the jobs being performed in America today, will not exist, new jobs will have taken their places. If we do not train men and women for these new jobs, by the year 2000, one out of every four Americans could be on public relief. The relief bill for Blacks alone, will total $50 Billion Dollars by today's cost, and for all America's unemployed and underemployed poor, the costs of welfare could total as much as $200 Billion Dollars. Such a relief load on the country can break the back of the economy, and create conditions unlike anything the nation has ever experienced before.

I am especially concerned about the plight of the Black man in this regard, because if OIC, or other programs like it does not work, by the year 2000, one-half of the Black population will have to be subsidized by the government; and when any such large proportion of any people has to depend upon the government for what it eats, what it wears, where it lives, how many babies they can have, and how much money they will have to spend, then that people is faced with the question of its survival. For any government that has the power to control how you live, is a government that has the power to take your life away. I have seen what government can do in another part of the world to erase a people, and I want to be sure that this will never happen to me.

OIC must work, and can work! Already OIC's have been established in several of your states, and there will be many more OIC centers, with your approval, coming in the future. I want to assure you that OIC will help your state. It will give new hope to your poor and your unemployed it will ease tensions in your streets, it will do away with the racial polarization in your cities.

I am asking therefore, the Governors of the New England States to please support the work of OIC. I am asking the Governors, if you are so disposed, to write the President of the United States to let him know that you are behind the OIC work and want to see this kind of program supported and developed in your states.

Already basic funding for OIC's have been allotted to some of your communities through a bulk funding arrangement with the Department of Labor. You know about this because it has been necessary to secure your approval for these funds to be so distributed. We will want to see ultimately, OIC reaching into every urban and rural section of your commonwealths, until every adult, Black and White, or Indian, or any other citizen, is provided with a productive skill that will lead to gainful employment.

This is the first Governor's Conference I have ever had the privilege to address. I pray that this will be a beginning and, if it could be possible, that I will be able to take the OIC story to Governor's Conferences across America.

New England was the place where America and democracy began. Perhaps we can establish a New England OIC Prototype that will become a new hope for the poor and unemployed and under-employed across the nation.

God used New England to start a Nation; perhaps God can use New England and its Governors to start a new Revolution of Hope across the country.

Thank you so much for listening to me today and permitting me to bring you the story of O.I.C.

FOUNDER OF OIC STILL PUSHES FOR FUNDS

(By Nick Thimmesch)

PHILADELPHIA.—The Rev. Leon Sullivan, father of the republic's most successful self-help plan for blacks, believes Americans are backsliding in the effort to give all people "a piece of the action," meaning a share of our economic system.

So he prods President Nixon, pleads with Congress for $100 million to expand his manpower training programs, and wings it at General Motors Corp. where he is the giant firm's first black board member (at $7,200 a year), and occasionally a dissident one at that.

"There's an American backlash," he says, grinning at his own pun. "Whites are asking why put money in all these programs, they're just waste. I didn't anticipate this kind of slide. But movement hasn't waned in the black community. Blacks want this system to work, they want to make a living. Blacks are moving."

Sullivan, 6-foot-5 and with commanding presence, is a boomer, an American enterpriser, a man who belongs in the same gallery with Thomas Edison, Henry Ford, David Sarnoff and other Americans who stoutly believed in self-uplift and panted for hard work. As pastor of Zion Baptist Church in Philadelphia, he started Opportunities Industrialization Center, Inc., in 1964 to give black people a better chance to earn the goodies of our free enterprise system.

His recruiters brought in people who hadn't made it in life yet, but wanted a "last first chance." Sullivan's training first concerned itself with building self-respect and motivation through an ingenious "feeder class" (since copied by other programs) where personal development, mathematics, basic use of the language and some black history are taught. Then the student begins training in one of several score skills including electronics, printing, power sawing, commercial cooking, merchandising, teletype, air conditioning, even airport control-tower operations.

Sullivan became a hit in Philadelphia, and his OIC system is now operating in 105 cities, including Anchorage, Alaska. More than 125,000 men and women have been trained by OIC and two-thirds of them are still on the jobs where they were placed. Many have become supervisors, foremen or even executives.

The average income of an OIC graduate has been doubled, and Sullivan estimates that his system has saved taxpayers nearly $100 million in welfare payments. Cost per trainee ranges from $1,200 to $1,800, about half that of other federally funded manpower programs.

OIC now has 20,000 trainees and a staff of 4,000. In rcent testimony before the House Education and Labor Committee, Sullivan asked for federal funding of $100 million to expand his program to 100,000 trainees. He's now recruiting returned Vietnam veterans, ex-convicts, militant blacks and anyone else who hasn't found himself or herself. His programs also service Spanish-speaking, Indians and poor whites. He plans to open centers in Appalachia soon.

"OIC is the best manpower trainer in the world," he says. "By 1980, we could be training one million people a year. It would cost $1 billion, but $30 billion would be put back into the economy. That's not black power, that's American power, green power."

Candidate Richard Nixon visited Sullivan in the 1968 campaign and the two men discovered they shared belief in the "work ethic." Since then Nixon has publicly praised Sullivan, had him into the Oval Office several times, and recommended that OIC's federal funding be increased. It has been, from $18 million in 1969 to $33 million now, but Sullivan still has mixed feelings about the Nixon Administration.

"This Administration," he says judiciously, "has provided us—and others—with more federal funds than previous administrations. Mr. Nixon has the best record of black employment of any Administration before him, and it reaches to all levels. We must give credit where credit is due."

"I can talk to his people, men like Commerce Secretary Peter Peterson who is interested in my Appalachian project. George Shultz (director of the Office of Management and the Budget) is one of the true statesmen in Washington. He knows that development of trained manpower is the measure of a nation's worth.

"But I hope we have a relationship with the Nixon Administration that will be better. Just when we think the President is moving the right way, he slips and slides. He can stand on his hands and twiddle his thumbs, but that doesn't let us know where he is.

"He should let us know that he means business and that he isn't playing games. All we're trying to say is that if a nation can make a massive effort to put a man on his feet on the moon, it can also put a man on his feet in Mississippi."

JEWISH WELFARE BOARD SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, since the inception of the Treaty for the Prevention and Punishment of Genocide in 1948, millions of people throughout the world have registered their strong support for the declaration. Although the American Government has shamefully neglected to ratify the treaty, a multitude of organizations throughout the Nation have reaffirmed their commitment to human rights and human dignity. These organizations, running the broadest spectrum of religious, political, and socio-economic backgrounds, have resolutely endorsed the treaty our Government has ignored.

One such group is the National Jewish Welfare Board. I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION ON GENOCIDE CONVENTION

The National Jewish Welfare Board reaffirms its support of the Convention on the Prevention and Punishment of the Crime of Genocide.

The Genocide Convention, which is pending before the Senate for advice and consent to ratification, is intended to make genocide—the commission of certain atrocities with the intent to destroy a national, ethnic, racial or religious group—an international crime. The convention was adopted by the United Nations General Assembly in 1948. It was approved by the Senate Committee on Foreign Relations on December 8, 1970, but it was not brought to a vote by the Senate before the adjournment of the 91st Congress. The Senate Committee again recommended ratification on May 4, 1971 and now action by the full Senate is required. On February 16, 1972, the Administration submitted implementing legislation to the Congress and urged the prompt enactment of the Convention.

JWB believes that genocide is of international concern since massive horror anywhere on earth affects everyone and every country. Another compelling reason for supporting the Convention is that the kind of issue comprehended within the defintion of genocide is nearly always associated with threats to or breaches of international peace and security. Historic and current disputes between national, religious, racial or ethnic groups, show how closely ethnic hatred and world peace are tied together.

It is regrettable that the United States Government, having initiated and pioneered in the fight for a genocide treaty in the United Nations more than 20 years ago, is not among the 75 nations that have acceded to the Convention.

The National Jewish Welfare Board urges its affiliated Jewish Community Centers and YM–YWHA's to request their Senators to ratify the Genocide Convention.

The National Jewish Welfare Board joins with many other national organizations in petitioning the Senate of the United States to ratify the Genocide Convention without further delay.

ENVIRONMENTAL IMPACT STATEMENTS

Mr. PACKWOOD. Mr. President, my good friend Larry Williams, executive director, Oregon Environmental Council, recently forwarded to me a copy of a review of environmental impact statements made by region X of the Environmental Protection Agency. Larry was so impressed with the caliber of this work, done principally by Hurlon C. Ray, assistant regional administrator for management, region X, EPA, that he asked my careful attention to it. I agree with Larry. This is a significant report on the progress of NEPA. I ask unanimous consent that both Mr. Williams' letter to me and the report be printed in the RECORD. I believe the information merits the attention of Congress at a time when NEPA is being attacked on all sides.

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

OREGON ENVIRONMENTAL COUNCIL,
Portland, Oreg., April 29, 1972.

Hon. ROBERT PACKWOOD,
U.S. SENATE,
Washington, D.C.

DEAR BOB: I am sure you will be pleased to see the enclosed report just released by the Environmental Protection Agency entitled "Reviewing Environmental Impact Statements at the Regional Level" prepared by Hurlon Ray, Assistant Regional Administrator for Management.

At a time when many are gearing up to convince Congress to strike down the Environmental Policy Act this report ably documents the important far-reaching, and positive, consequences of this law.

Mr. Ray's appeal to the administrators of our governmental agencies is worth my quoting here: "We are asking that federal, state, county, and city administrators and planners listen to the sound of the times and accept the role of stewardship of our natural and social resources, both in spirit as well as in the letter of the NEPA. It is a massive challenge—to make engineering expertise the means of developing a quality of life. It is a challenge worthy of the highest dedication—it is a challenge which must be met if we are to provide ourselves and our children a livable world.

"Conviction, coordination, integrity, participation, and partnership—there can be no silent partners, no secrets, no deals in this program, and each of us must participate in areas of joint concern to our *fullest capabilities to stop polluting and exploiting activities*. EIS's are consistent, potent, hard-hitting 'federal tool' with the muscle to mobilize behind the punch to insure environmental cleanup and proper land use planning."

We sincerely hope that this report will be carefully read by the members of Congress and the administrators who carry forward the spirit of NEPA before they contemplate any changes in this magnificent law.

Sincerely,

LARRY WILLIAMS,
Executive Director.

REVIEWING ENVIRONMENTAL IMPACT STATEMENTS AT THE REGIONAL LEVEL, APPRAISALS, EVALUATIONS, COMMENTS AFTER 15 MONTHS WITH NEPA

(By Hurlon C. Ray, assistant regional administrator for management, U.S. Environmental Protection Agency)

IMPLEMENTATION AND APPRAISAL IN REGION X

Fifteen months have passed since the President signed into law the National Environmental Policy Act of 1969. There appears to be universal agreement on only two aspects of the passage of this legislation. First, that the National Environmental Policy Act is the most significant environmental legislation to come out of Congress; and that the ultimate impact of NEPA has not and can not yet be seen.

Now is an appropriate time to discuss some of the concerns, problems, issues, and opportunities in meeting the challenge of implementing NEPA. It is timely because we have had an opportunity to get our feet wet here in the Northwest, to acquaint ourselves with some major issues of NEPA and to begin supplying answers for some of the unresolved problems. A great awakening is taking place in the Northwest regarding the environmental impacts of Federal and State projects, activities, programs, and proposals because we still have the chance to protect and preserve the generally prevailing good water and air quality.

We have reviewed approximately 250 environmental impact statements to date, and we do not believe that a single EIS on a significant project could be described as totally adequate.

Some major areas of needs for improvement are as follows:

1. Agencies are not fully considering and applying the policies expressed in *all applicable local, State and Federal* laws. As an illustration, in the water quality field, we know that there exists in most States a body of laws consisting of local ordinances, State statutes and regulations or standards promulgated thereunder and State-Federal water quality standards (40 C.F.R. Part 120, 36 F.R. 22489, November 25, 1971) for interstate waters promulgated in compliance with the provisions of Section 10 of the Federal Water Pollution Control Act. Accordingly, it would appear prudent to set out in the environmental impact statement whether the requirements contained in the body of local, State and State-Federal water quality standards can be fully complied with and if not, what requirements or criteria or guidelines will be violated if the proposed activity or action requiring the preparation of the impact statement is permitted to occur. In short, an environmental impact statement, among other things, can highlight or warn of a contemplated action that, if permitted. will violate the policy of applicable local, State and Federal laws, including regulations, standards, and criteria designed to protect the environment.

In the near future it is anticipated that statewide implementation plans under Section 110 of the Clean Air Act, as amended, already submitted to the Administrator, EPA, will be approved or disapproved depending on whether or not each of the State plans submitted by states pursuant to Section 110 of the Clean Air Act met all of the requirements of Section 110 of the Act and 40 C.F.R. Part 51. After an implementation plan is approved by the Administrator, it will be prudent for the Agency preparing an environmental impact statement to set forth, in the statement, the applicable requirements upon the proposed activity or action. In this regard, we believe the impact statement can serve to highlight or warn of contemplated actions that, if permitted, will violate the requirements of the applicable plan of implementation promulgated pursuant to Section 110 of the Clean Air Act, as amended. While not applicable to the States in Federal Region X, it is pointed out that 40 C.F.R. Part 52, 37 F.R. 2581, February 3, 1971, reflects certain implementation plans already approved by the Administrator of EPA.

2. The NEPA calls for a description of environmental impact both *primary* and *secondary*. Most statements received in this office fall short in their description of primary impacts and fail to even mention the secondary impacts, such as commercial development, as the result of the project. *Secondary impacts*, especially for highway projects, may be more important than primary impacts.

The discussions have been weak as to how projects constructed today may effectively commit us to further developments with adverse environmental effects in the future.

3. The NEPA calls for a discussion of *alternatives* in sufficient detail so as to not foreclose choices other than the project proposed. We have not reviewed a single EIS that adequately discusses all *alternatives*. When alternatives are mentioned, they are generally only engineering or dollar cost-oriented alternatives rather than social, legislative, proper land use, or other types.

4. The NEPA calls for a discussion of *short-term* vs. *Long-term relationships* to man's environment. Particular attention is called to the cumulative effects of several proposals on future choices. We have yet to review an EIS that adequately describes how an individual project fits into the long-range proposals. Projects proposed for the Columbia and Snake River systems are examples of complex systems where individual projects will have synergistic effects. However, too many statements consider only the beneficial economic impacts of the proposal and do not consider environmental losses as negative.

5. Most EIS's reviewed construe environmental considerations too narrowly—within the framework of strict legislative mandates. We must consider all environmental ramifications of present specific authorities and adjust programs to protect the environment while carrying out the legislative responsibilities.

6. On occasion, the adverse environmental effects may dictate that a *Federal program should not be undertaken at all*. Our concerns regarding this question have been expressed in detail in our reviews of some impact statements.

7. Proper attention and full consideration of all public and private reviews, comments, statements, and testimonies have not been adequately documented in all of the statements. Nevertheless, the NEPA has moved the decision-making process of environmental actions out into the light of public scrutiny. The rigorous self-analysis and *public* and *private* review which Federal agencies must now accomplish prior to initiating any major action significantly affecting the environment has evoked a wide range of interest and reaction in Region X.

The major reason for the effectiveness of the Act is that it requires a full disclosure of potential governmental actions which significantly affect the environment prior to irrevocable decisions to proceed. Previous to this Act, it was always difficult and often impossible for concerned agencies, groups, or individuals, to get a handle on who was planning to do what to whom. Not only must the proposing, licensing, or funding Federal agency prepare a detailed description of how the proposed action will affect the environment and submit this statement for agency and public review, but also those reviewing agencies are required by law to make their comments available for public review.

8. The preparation of EIS's has not really been used as an effective vehicle for proper land use planning. In the areas of land use planning at the local level, EIS's have a great potential and can be used effectively.

It is Region X's aim to assist other government agencies in developing an environmental ethic in their *planning* and *action programs*, and to bring environmental values into Federal agency decision making on a basis equal with those of economics and need. The Region feels that one way this can be done is to point out in EIS reviews those environmental relationships which were not given adequate consideration during the planning stages. Particular attention should be given to describing alternatives which may give the same, or near the same, benefits, but with lesser environmental cost. The EIS review in Region X is designed to bring multiple disciplinary review of the impact statements received in the office. Chart No. 1 shows how Region X handles the review of draft statements and the various EPA disciplines involved in the preparation of our statement. This is primarily an interdisciplinary approach and is not, unfortunately, a complete ecological evaluation.

Statements received are routed to people with special expertise in air quality, water quality, engineering, biology, land use management, noise abatement, solid waste disposal, pesticides, economics and radiation health. Each of the people having an interest in the proposal has an opportunity to comment. The *EIS program staff* then incorporates the various comments from these people and others into a meaningful interpretation as the Region X EPA response. EPA's responses are available to all agencies and to the public. We plan to have some professional services contracts awarded in fiscal year 1973 to give us on-site ecological views on EIS's and to develop new approaches and methods to assist us in fulfilling the intent of NEPA.

RESPONSIBILITIES OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency does not have *direct authority* to require impact statements from other Federal agencies. However, the Administrator of EPA cannot carry out his legal requirements of Section 309 of the Clean Air Amendments of 1970 if statements are not prepared. Section 309 of the Clean Air Amendments of 1970 states:

(a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and matter shall be referred to the Council on Environmental Quality.

Section 102(2)(C) of NEPA requires all Federal agencies to "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement. . . ." "Prior to making any detailed statement, the responsible Federal Official shall consult with and obtain the comments of any *Federal agency* which has jurisdiction by law or special expertise. . . ." The CEQ Guidelines, dated April 23, 1971, list seventeen (17) types of environmental impacts that EPA has jurisdiction over by *law* or *special expertise*.

BACKGROUND INFORMATION

One of the first Congressional actions which considered environmental factors was the Fish and Wildlife Coordination Act of 1958. This legislation demanded that the Federal Bureau of Sport Fisheries and Wildlife, and related State agencies, review plans for most water resources projects. This action was followed by the Multiple Use-Sustained Yield Act of 1960 which directed the Secretary of Agriculture to develop and administer the National forests for multiple use.

Another dimension in the environmental area was created during the 1966 Congressional session when two statutes were enacted:

(1) any Federal action affecting a historic site must be reviewed by the Advisory Council on Historic Preservation, and (2) the Department of Transportation Secretary must avoid use of park, recreation, wildlife, and historic sites land where avoidable and, if not avoidable, the impact must be mitigated to the fullest extent possible.

The next major legislative action came in 1969 with the passage of NEPA. The framework was thus set for today's activities—President Nixon consummated the Congressional action as his first official act of 1970 with the signing of NEPA on January 1. Very briefly, NEPA has three main parts: establish national environmental goals; section 102 sets the basis for Environmental Impact Statements and is the action-forcing mechanism of the Act; establish the Council on Environmental Quality (CEQ), a three member council akin to the Council of Economic Advisors.

The Congressional purpose of this law is to build into the daily processes of government a careful consideration of the environmental changes which government actions bring about. This law contains a self-policing feature called an Environmental Impact Statement or EIS. An EIS is a report describing the environmental effects which could result from proposed action such as a highway, a dam, a bridge, an airport, a pipeline, issuance of a permit, activities funded by the Federal government, legislative proposals, changes in agency policies or operating procedures, and where controversy may arise relating to a particular project. An EIS may be *one page* or *volumes*, such as the one on the Alaska pipeline. Such a report must be included in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. It must also include a detailed description of: (1) the environmental impact of the proposed action; (2) any adverse environmental effects which cannot be avoided should the proposal be implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

To implement this requirement, the President (via Executive Order 11514; March 5, 1970) directed CEQ to issue guidelines for the preparation of Environmental Impact Statements. This was done in May 1970. The interim guidelines set forth government-wide policies and procedures, and left the responsibility for establishing internal procedures to the individual agencies. Interim guidelines were superseded by the version published April 23, 1971.

THE ROLE OF THE COURTS

Fortunately, some actions undertaken which disregard the technical and ecological requirements of preparation of detailed environmental statements, or which disregard the Congressional mandate to act in a stewardship capacity toward our natural resources, have been halted by court actions initiated by citizen organizations. More court actions are forthcoming.

The courts are becoming involved to a greater degree each day in the interpretation of NEPA and it seems safe to assume that judicial actions will play a major role in shaping the future application of NEPA. Several major decisions have been handed down by the courts in recent months. Probably the most noted case to date is the *Calvert Cliffs nuclear power plant proposal* of the Atomic Energy Commission. This decision has established that submitting statements only if a project becomes controversial does not carry out the intent of the law. The EIS's are to be prepared where there is significant impact even if there is no controversy.

Other recent judicial interpretations of environmental laws:

An environmental impact statement prepared by a Federal agency must contain *discussion of alternative courses of action* even though the agency lacks the power to adopt such alternatives or put them into effect. This ruling came in the case of *Natural Resources Defense Council* v. *Morton,* — F. 2nd — (D.C. Cir. January 13, 1972). The case involved a proposal by the Department of the Interior to lease some 80 tracts of submerged lands, primarily off eastern Louisiana. The Court agreed with the Department that only reasonable alternatives need to be considered, but said:

"When the proposed action is an integral part of a coordinated plan to deal with a broad problem, the range of alternatives that must be evaluated is broadened. While the Department of the Interior does not have the authority to eliminate or reduce oil import quotas, such action is within the purview of both Congress and the President, to whom the impact statement goes. The impact statement is not only for the exposition of the thinking of the agency, but also for the guidance of these ultimate decision-makers, and must provide them with the environmental effects of both the proposal and the alternatives for their consideration along with the various other elements of the public interest."

Alternatives to the proposed action:

"This section shall describe the environmental impacts, both beneficial and adverse, of the various alternatives considered by and available to the Department, specifically taking into account the alternative of no action. In addition and where appropriate there will be a brief discussion of possible alternatives which are beyond the authority of the Department."

In another Federal court case, it was held that an environmental impact statement is required on *appropriation requests,* even for *ongoing projects.* Each such request is a proposal for legislation within the meaning of section 102(2)(C) of the Act. (*Environmental Defense Fund* v. *TVA,* 40 LW 2498 (D-E.D. Tenn. Jan. 11, 1972.) The Court referred to section 11 of the guidelines promulgated April 23, 1971 (36 F.R. 7724), by the Council on Environmental Quality, which says:

"To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences.

It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program."

The Atomic Energy Commission discovered, in the recent court case of *Calvert Cliffs' Coordinating Committee* v. *AEC,* 449 F.2d 1109 (D.C. Cir. 1971), that concern for water quality cannot be left to the Environmental Protection Agency. Instead, AEC was told by the court that it must independently examine water quality problems, under the mandate of the National Environmental Policy Act. Similarly, the Corps of Engineers was ordered, in *Kalur* v. *Resor,* 40 LW 2391 (D-D.C. Dec. 21, 1971), to file a detailed environmental impact statement in connection with issuance of discharge permits under the Refuse Act and to make an *independent judgment regarding water quality,* not deferring this to the expertise of the Environmental Protection Agency. The ruling further banned any permits for discharges into nonnavigable streams.

At least one court has recognized and approved the *"lead agency" principle,* in which only one agency, of several making individual decisions about various aspects of a major action, is required to prepare an environmental impact statement. *Upper Pecos Association* v. *Stans,* 328 F. Supp. 332 (D-N.M. 1971). In that case, the plaintiff attacked legality of a grant of funds by the Economic Development Administration for a road project in New Mexico. The court said that a road could not be built without grant of a right-of-way permit by the Forest Service, which was the lead agency and had prepared a detailed impact statement. Under these circumstances, the court said, "the directives of the National Environmental Policy Act and the recommendations issued pursuant thereto have been satisfied to date." The court explicitly distinguished the case from those in which only a single agency was involved.

In another case, a Federal court has held that a *licensing agency must prepare its own impact statement* and cannot merely adopt a statement prepared by an applicant. The ruling came in an attack upon procedures followed by the Federal Power Commission after the Power Authority to the State of New York (PASNY) applied to the FPC for authorization to construct a high voltage transmission line. In accordance with FPC regulations, PASNY filed an environmental impact statement covering the proposed line and two possible alternate routings. The Commission circulated the PASNY statement to Federal agencies for comment. The Second Circuit Court of Appeals, in *Greene County Planning Board* v. *FPC,* — F.2d —, 40 LW 2521 (1972), termed this an abdication by the FPC of its responsibility and criticized the Commission for being willing to serve merely as an umpire. The FPC was directed to prepare and circulate its own draft statement.

Brooks v. *Volpe,* 319 F. Supp. 90 (1970), 329 F. Supp. 118 (1971), among other things, stood for the proposition that NEPA did not require the Secretary of Transportation to file an environmental impact statement before proceeding with construction of a highway whose location was administratively determined in 1967, *since NEPA was held not to be retroactive.* The referenced decisions involving *Brooks* v. *Volpe* were reversed in *Brooks* v. *Volpe,* No. 71–1908, in a decision rendered on March 2, 1972, by the United States Court of Appeals for the Ninth Circuit. The defendants were ordered to stop any activity "which disturbs or defaces the land" in the area. None of these activities will be allowed to continue until the defendants have "fully complied" with provisions of the National Environmental Policy Act.

The judge's findings and conclusions include a ruling that the defendants must include in an environmental impact statement the ecological effects the construction will have on nearby Kimball Creek Marsh.

See Exhibit A for additional court actions pertaining to NEPA. (102 Monitor, Vol. 1, No. 12).

THE ROLE OF THE STATES

The States have responded to NEPA with varying reactions. Some have used the environmental impact statement process to their advantage and actively commented on those impact statements within their boundaries, while others have played a very minor role. Four States (Montana, California, *Washington,* and Delware) and the Commonwealth of Puerto Rico have enacted legislation similar to NEPA and more are expected to follow suit. State agencies, which may be given the opportunity to review or comment on a prepared draft environmental statement, should point out the existence of requirements contained in local, State and Federal laws, including any regulations or standards promulgated thereunder, that will be violated by the activity or action, if permitted, that is the subject matter of the draft environmental impact statement.

SUMMARY

The EIS requirement is young. It is the most wide-ranging and comprehensive pollution control program yet made by the Congress. It is powerful, but is a costly tool and must be protected and used judiciously. We are only beginning to experience the ramifications, complaints, protests, demands for amendments to NEPA, Congressional Hearings, GAO audits, proposed new legislation and court actions. *Nevertheless, NEPA is here to stay.* Agencies, both initiating and commenting, are quick to report that not all is rosy. Some agencies are not producing good statements and *some have not produced any statements at all.* Many problems have been eliminated; some are on the verge of being overcome. We cannot ignore the impact that NEPA has created, wishing or convinced that everything will turn out all right and that NEPA is a fly-by-night "boondoggle" that will fade away and spare ourselves the truama of future shock. John Gardner said, in 1964:

"A common stratagem of those who wish to escape the swirling currents of change is to stand on high moral ground."

We saw a bold and vigorous National response in the 1930's to the needs for improved farming practices to reduce erosion and improve crop production. The Nation dedicated its tremendous capability for change into a form of revolution that brought the country's agricultural capacity to its fullest potential. The same sort of revolution is needed today for the environment in its broadest aspects and implementation of NEPA. The EIS is one tool not yet used as it must be if we are to preserve quality of life for future generations.

We encourage public participation in the Environmental Impact Statement process. The comments should be substantive and above all objective. The EIS requirement should be a "full disclosure" mechanism and place the governmental decision-making process in full view long before the final project decisions have been made. This makes possible a public record for both the initiating agency and those that comment on the statement.

We are asking that Federal, State, County, and City administrators and planners listen to the sound of the times and accept the role of stewardship of our natural and social resources, both in spirit as well as in the letter of the NEPA. It is a massive challenge—to make engineering expertise the means of developing a quality life. It is a challenge worthy of the highest dedication—it is a challenge which must be met if we are to provide ourselves and our children a livable world.

Conviction, coordination, integrity, participation, and partnership—there can be no silent partners, no secrets, no deals in this program, and each of us must participate in areas of joint concern to our *fullest capabilities to stop polluting and exploiting activities.* EIS's are a consistent, potent, hard-hitting "Federal tool" with muscle to mobilize behind the punch to insure environmental cleanup and proper land-use planning.

"The Prudent men should judge of future events by what has taken place in the present." Miguel de Cervantes (1547–1616), (From: Population Resources Environment (1970)).

(Chart not reproduced in RECORD.)

APPENDIX A

UNITED STATES COURTS OF APPEALS

Calvert Cliffs' Coordinating Comm. v. *AEC,* 2 ERC 1779, 1 ELR 20346 (D.C. Cir. 7/23/71). The court found the AEC's rules for implementing NEPA in licensing nuclear power plants invalid in four respects: (1) the rules

failed to require hearing boards to consider environmental factors unless raised by the regulatory staff or outside persons; (2) they excluded nonradiological environmental issues in all cases where the notice of hearing was published before 3/4/71; (3) they prohibited reconsideration of water quality impacts where a certification of compliance with State standards had been obtained; and (4) they failed to provide for environmental review of cases in which a construction permit had been granted prior to NEPA's effective date but the time was not yet ripe for granting an operating license.

Committee for Nuclear Responsibility v. *Seaborg*, 3 ERC 1126, 1210, 1256 (D.C. Cir. 10/5/71, 10/28/71, 11/3/71). The court reversed a summary judgment for defendants, holding that plaintiffs had alleged a legally sufficient claim that the AEC's 102 statement on the underground nuclear test Cannikin was deficient under NEPA. The court later upheld the district judge's order requiring release of Government documents, which were not part of the 102 statement, discussing environmental aspects of the proposed test. However, the court refused to stay the test *pendente lite*. Finally, after release of the documents, the court refused on national security grounds to delay the test—without deciding whether NEPA had been satisfied. (The Supreme Court later upheld this refusal.)

Ely v. *Velde*, 3 ERC 1280 (4th Cir 11/8/71). The court, in reversing a district court decision, held that the Law Enforcement Assistance Administration must prepare a 102 statement on the portion of a block grant to the State of Virginia that will be used to construct a prison facility in a historic area.

Latham v. *Volpe*, 3 ERC 1362 (9th Cir. 11/15/71). The court held that citizens were entitled to a preliminary injunction against further acquisition of property by the State of Washington for Interstate 90 in Seattle until Federal officials prepared a 102 statement.

National Helium Corp. v. *Morton*, 3 ERC 1129, 1 ELR 20478 (10th Cir. 10/4/71). The court upheld a preliminary injunction against the Interior Department's cancellation of contracts to buy helium, on the basis of noncompliance with NEPA.

Pennsylvania Environmental Council v. *Bartlett*, 3 ERC 1421 (3d Cir. 12/1/71). The court upheld a district court ruling that a 102 statement was not required for a Federal-aid highway project for which all Federal approvals were given and all contracts awarded prior to enactment of NEPA.

San Antonio Conservation Society v. *Texas Highway Department*, 2 ERC 1872, 1 ELR 20379 (5th Cir. 8/5/71). The court stayed construction of a highway through a park in San Antonio, on the basis of noncompliance with NEPA and other laws. The court held that the "segments" of the highway adjacent to the park must be considered together with the park "segment" in the application of these laws. It further held that, since the highway had been approved for Federal funding, the State could not defeat the application of the Federal laws by proceeding without Federal funds.

Scenic Hudson Preservation Conf. v. *FPC*[2] ERC 1232 (2d Cir. 10/22/71). The court upheld the FPC's grant of a license for the Storm King pumped storage power plant. The court found that the FPC had considered all relevant factors as required by NEPA, and that its findings were supported by substantial evidence.

Thermal Ecology Must Be Preserved v. *AEC*, 2 ERC 1379, 1 ELR 20078 (D.C. Cir 7/20/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. Citizen groups claimed the hearings were illegal under NEPA because the AEC was refusing to consider the dangers of thermal pollution or of cumulative radiation. However, the court said that this question could be raised only on review of a final AEC order.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1405 (7th Cir. 8/24/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. The court relied on the D.C. Circuit ruling of the same name.

Upper Pecos Assn. v. Stans, 2 ERC 1418 (10th Cir. 12/7/71). The court affirmed a district court ruling that the Economic Development Administration did not have to prepare a 102 statement on a grant for road construction, since the Forest Service was the lead agency in developing the road and had prepared a statement on it. Although the Forest Service's 102 statement was not prepared until after the EDA had made an offer of funds, the court held that this timing satisfied NEPA because the Forest Service still had full authority to grant or deny a right-of-way, and the application for EDA funds was made prior to enactment of NEPA.

West Virginia Highlands Conservancy v. Island Creek Coal Co., 2 ERC 1422, 1 ELR 20160 (4th Cir. 4/6/71). The court upheld the standing of a citizen group under NEPA and the Wilderness Act to challenge the Forest Service's permission of private timber cutting and road construction in Monongahela National Forest. The citizen group charged that a 102 statement should have been prepared, and that the area was protected by the Wilderness Act until studied for wilderness character. Without deciding these claims, the court found them sufficiently strong to justify a preliminary injunction pending further proceedings in the district court.

Zabel v. Tabb, 1 ERC 1449, ELR 20023 (5th Cir. 7/16/70), cert. denied, 39 U.S.L.W. 3360 (2/22/71). The court held that the Army Corps of Engineers has authority to deny a dredge-and-fill permit under 33 U.S.C. 403 on ecological grounds, basing its holding in part on NEPA.

U.S. DISTRICT COURTS

Arlington Coalition on Transportation v. Volpe, 3 ERC 1138 (E.D. Va. 10/8/71). The court dismissed a suit to enjoin construction of Interstate 66 through Arlington. It held that NEPA was inapplicable to portions of the highway approved before January 1, 1970, and found that a 102 statement would be prepared before approval or additional work. The decision was reversed by the 4th Circuit, in an unreported opinion.

Berkson v. Morton, 3 ERC 1121 (D. Md. 10/1/71.) The court issed a 10-day temporary restraining order against construction in the C&O Canal National Historic Park without compliance with NEPA and other Federal statutes. This order has subsequently been extended.

Brooks v. Volpe, 2 ERC 1004, 1571, 1 ELR 20045, 20286 (W.D. Wash. 9/25/70, 4/6/71). The court held that a 102 statement was not required for an Interstate highway segment whose location had been approved in 1967. The court upheld the standing of the individual plaintiffs to bring the suit, but denied the standing of the environmental groups.

Bucklein v. Volpe, 2 ERC 1082, 1 ELR 20043 (N.D. Cal. 10/29/70). The court refused an injunction against disbursement of Federal emergency funds for a road relocation project. The plaintiff challenged the location of the road as an abuse of discretion, arguing that an alternative location was environmentally preferable. The court found that there had been "ample consideration" of environmental factors, and stated that it is unlikely that the policy declaration in Section 101 of NEPA was intended to create "court enforcible duties."

Businessmen for the Public Interest v. Resor, 3 ERC 1216 (N.D. Ill. 10/14/71). The court ruled that citizens could not sue to challenge the application of the Refuse Act permit program to Lake Michigan until the Corps of Engineers proposed to issue a permit under the program. However, the court went on to uphold the regulations implementing the program, relying in part on NEPA.

Citizens to Preserve Foster Park v. Volpe, 3 ERC 1031, 1 ELR 20389 (N.D. Ind. 8/18/71). The court denied a preliminary injunction against further work on a federally assisted highway. The court found that a 102 statement prepared in June 1970 complied with NEPA "to the extent possible" even though it did not comply with guidelines and procedures issued before that date. The court stressed that the park affected by the highway was already as "torn up" as it would be from further construction.

Coastal Petroleum Co. v. Secretary of the Army, 1 ERC 1475 (S.D. Fla. 7/1/70). The court held, on the basis of the District Court ruling (later reversed) in Zabel v. Tabb, that the Corps of Engineers has no authority to deny a permit under 33 U.S.C. 403 on other than navigational grounds. However, the court refused to order the Corps to grant a permit for limestone mining in Lake Okeechobee because of environmental danger and because other remedies were available to protect the applicant's financial interests. NEPA was discussed in supplemental briefs after the trial, but the court found it "not to be applicable." The court later reversed itself, without opinion, on the basis of the 5th Circuit's decision in Zabel.

Daly v. Volpe, 2 ERC 1506, 1 ELR 20242 (E.D. Wash. 4/9/71). Local residents sought an injunction against construction of an interstate highway segment near North Bend, Washington, asserting that the Department of Transportation had not complied with the requirements of NEPA. The segment, on which planning and hearings had begun before enactment of NEPA, was approved on November 30, 1970. At that time a draft environmental statement had been prepared, but agency comments were not received or a final statement prepared until after the approval. The court held that the Department of Transportation had substantially complied with NEPA in approving the segment, since the plans had been coordinated with many groups before approval, and agency procedures for formal circulation of draft environmental statements were still being developed.

Delaware v. Pennsylvania New York Central Transp. Co., 2 ERC 1355, 1 ELR 20106 (D. Del. 2/24/71). The court granted standing to a State and private persons to challenge the Corps of Engineers' issuance of permits to Penn Central for a dike and fill operation along the foreshore of the Delaware River. Plaintiffs allege, *inter alia*, that the Corps violated NEPA by giving inadequate consideration to the environmental effects of the operation. However, consideration of plaintiffs' claims will be delayed pending Penn Central's bankruptcy proceedings in another Federal court.

Dorothy Thomas Foundation v. Hardin, 1 ERC 1679 (W.D. N.C. 8/31/70). The court denied a preliminary injunction against timber cutting in a National Forest, finding that plaintiffs had not proven that the Federal defendants had failed to consider the factors required by NEPA and the Multiple Use and Sustained Yield Act.

Echo Park Residents Comm. v. Romney, 3 ERC 1255 (C.D. Cal. 5/11/71). The court upheld the finding by HUD that Federal assistance for a 66-unit apartment project would not significantly affect the environment and did not need a 102 statement.

Elliot v. Volpe, 2 ERC 1498, 1 ELR 20243 (D. Mass. 4/20/71). Plaintiffs sued to halt construction of interstate highway segments through Somerville, Massachusetts, asserting that the Department of Transportation had not complied with the requirements of NEPA. The court denied an injunction, on the ground that the planning and location

of the segments had been completed and approved in 1966, and substantial construction had taken place before the enactment of NEPA. The court concluded that it would be an unwarranted "retroactive" application of NEPA to require a total halt in construction while the NEPA procedures were followed for the remaining action on the segments.

Ely v. Velde, 2 ERC 1185, 1 ELR 20082 (E.D. Va. 1/22/71). In a suit by neighboring property owners to contest a Federal grant to a State for construction of a prison facility, the court held that NEPA did not require the Federal granting agency to consider the environmental impact of the facility. The court stated that the Safe Streets Act of 1968 imposed a mandatory duty to award the funds, which was not modified by enactment of the "discretionary" provisions of NEPA in 1970. The decision was later reversed by the 4th Circuit.

Environmental Defense Fund, Inc. v. Corps of Engineers, 1 ELR 20130, 2 ERC 1260 (E.D. Ark. 2/19/71). Plaintiff environmental groups sued to enjoin further construction of the Gillham Dam, on which the Corps has prepared an environmental statement under section 102(2)(C). The court upheld plaintiff's standing and held that NEPA was applicable even though the project was partially constructed prior to January 1, 1970. On the merits, the court rejected plaintiffs' argument that section 101 creates an enforceable duty not to undertake environmentally damaging projects. However, it found the environmental statement legally inadequate and enjoined further construction until the Corps has complied with sections 102(2) (A), (B), (C), (D) of NEPA.

Environmental Defense Fund, Inc. v. Corps of Engineers, 2 ERC 1173, 1797, 1 ELR 2007. 20366 (D. D.C. 1/27/71, 7/72/71). The court granted a preliminary injunction against further construction of the Cross-Florida Barge Canal. The court held that a 102 statement was required for further actions even though the project was begun before January 1, 1970. The case was later consolidated with others involving the canal and transferred to M.D. Fla., for pretrial proceedings.

Environmental Defense Fund, Inc. v. Corps of Engineers, 3 ERC 1085, 1 ELR 20466 D. D.C. 9/21/71). The court granted a preliminary injunction against construction of the Tennessee-Tombigbee Waterway. It ruled that the plaintiffs had made a sufficient showing of noncompliance with NEPA to warrant an injunction pending trial.

Environmental Defense Fund, Inc. v. Hardin, 2 ERC 1424, 1 ELR 20207 (D. D.C. 4/14/71). The court ruled that the Department of Agriculture's fire ant control program, involving dissemination of the pesticide Mirex, was a major action requiring an environmental statement under Section 102(2) (C) of NEPA. However, it refused a preliminary injunction against the program, on the ground that the Department had performed adequate studies of the program's environmental effects and had prepared an environmental statement discussing those effects in sufficient detail to satisfy all procedural requirements of Section 102(2)(C).

Gibson v Ruckelshaus, 3 ERC 1028, 1 ELR 20337 (E.D. Tex. 3/1/71). The court granted an injunction against condemnation proceedings or Federal financing for a sewage treatment facility, on the ground that the Environmental Protection Agency had failed to comply with NEPA and the Federal Water Pollution Control Act. The 5th Cir. later reversed and remanded the case on the basis of the plaintiff's refusal to cooperate with the court. (8/9/71, 3 ERC 1370.)

Goose Hollow Foothills League v. Romney, 3 ERC 1087 (D. Ore. 9/9/71). The court enjoined construction of a Federally assisted college high-rise housing project for failure to prepare a 102 statement. However, the court stayed its injunction for 90 days to permit the filing of the statement. The injunction was made effective on 12/8/71, 3 ERC 1457.

Harrisburg Coalition Against Ruining the Environment v. Volpe, 2 ERC 1671, 1 ELR 20237 (M.D. Pa. 5/12/71). In a suit to enjoin construction of Interstate 81 through a park, the court found that the Secretary of Transportation had not made the findings required by Section 4(f) of the DOT Act. The case was remanded for new findings by the Secretary and for preparation of a 102 statement in accordance with the CEQ guidelines.

Investment Syndicates, Inc. v. Richmond, 1 ERC 1713, 1 ELR 20044 (D. Ore. 10/27/70). A landowner sued to enjoin construction of a power line across his land on the basis of the failure of Booneville Power Administration to prepare an environmental statement under section 102(2)(C). The court held that a statement was not required, noting that the project had been approved and funded and nearly half of the necessary easements purchased before January 1, 1970, and that evidence of the proposed right of way was visible on plaintiff's land when he purchased it.

Izaak Walton League v. Macchia, 2 ERC 1661 (D. N.J. 6/16/71). The court upheld the plaintiff's standing to sue private developers and the Corps of Engineers to stop the developers from dredging in navigable waters under a Corps permit. The court also rejected the defenses of sovereign immunity and laches, and continued the case for trial. The suit challenges the validity of the permit under NEPA and other Federal laws.

Izaak Walton League v. Schlesinger, 3 ERC 1453 (D. D.C. 12/13/71). The court granted a preliminary injunction against the AEC's issuance of a partial operating license for the Quad Cities nuclear reactor pending completion of the NEPA review of the application for a full operating license. The court held that the partial license was itself a major action requiring a 102 statement.

Izaak Walton League v. St. Clair, 1 ERC 1401 (D. Minn. 6/1/70). The court denied the Government's motion to dismiss a suit brought to invalidate private mineral claims in the Boundary Waters Canoe Area (a Wilderness Area). The court upheld the plaintiff's standing to sue and ruled that the suit was not barred by sovereign immunity.

Kalur v. Resor, 3 ERC 1485 (D. D.C. 12/21/71). In an action to review the Corps of Engineers' regulations governing the Refuse Act permit program, the court found the regulations invalid in two respects: (1) the regulations permitted the issuance of permits for discharges into nonnavigable tributaries of navigable waters; and (2) they failed to require 102 statements for the issuance of permits. The court enjoined further issuance of permits under the program.

LaRaza Unida v. *Volpe*, 3 ERC 1306 (N.D. Cal. 11/8/71). The court granted a preliminary injunction against construction or property acquisition for a Federally assisted highway in Alameda County. The court based its order on violations of other Federal statutes, leaving a claimed violation of NEPA for consideration at trial.

Lever Bros. Co. v. *FTC*, 2 ERC 1648, 1 ELR 20185 (D. Me. 4/19/71). Detergent manufacturers sought an injunction forbidding the FTC to hold hearings on a proposed rule to require special labeling of detergents, including a pollution warning on detergents containing phosphorous. The manufacturers claimed that the hearings were illegal because the FTC had not prepared an environmental impact statement under NEPA on the proposed rule. The district court denied an injunction on the ground that the legality of the FTC's procedures could be reviewed only on review of the final adoption of a rule. The manufacturers then moved in the First Circuit Court of Appeals for an injunction pending appeal, which was denied by a single judge on the ground that as long as an environmental statement will be released prior to adoption of a rule, the manufacturers will not suffer sufficient hardship to justify court review prior to such adoption. (4/20/71, 2 ERC 1651, 1 ELR 20328.) The appeal was apparently dropped before hearing in the full court of appeals.

Lloyd Harbor Study Group, Inc. v. *Seaborg*, 2 ERC 1380, 1 ELR 20188 (E.D. N.Y. 4/2/71). A citizen group sought a court order under NEPA requiring the AEC to consider nonradiological environmental effects in its hearings on a permit application for a nuclear power plant in Shoreham, Long Island. The AEC had refused to receive evidence of such effects. The court dismissed the suit on the ground that this refusal could be reviewed only by a Court of Appeals after entry of a final AEC order.

McQueary v. *Laird*, 3 ERC 1185 (D. Colo. 10/2/71). In a suit to enjoin the Defense Department from storing chemical and biological warfare agents at Rocky Mountain Arsenal, the court held that NEPA did not create a substantive right to prevent the storage. The court held that the decision to store the agents was within the Department's discretion.

Monroe County Conservation Assn. v. Hansen, 1 ELR 20362, 3 ERC 1208 (W.D. N.Y. 6/1/71). The court denied a preliminary injunction against Corps of Engineers dumping of dredge spoil into Lake Ontario, saying that under the circumstances no law, including NEPA, required an immediate halt to the dumping.

Morningside-Lenox Park Assn. v. Volpe, 3 ERC 1327 (N.D. Ga. 11/22/71). The court preliminarily enjoined further work on Interstate 485 in Atlanta, holding that a 102 statement was required for further actions even though location approval was given before January 1, 1970.

National Helium Corp. v. Morton, 2 ERC 1372, 1 ELR 20157 (D. Kan. 3/27/71). The court held that the Secretary of the Interior's cancellation of contracts for Federal purchase of helium constituted a "major action" requiring an environmental impact statement under Section 102(2)(C) of NEPA, and that the contractor had standing to seek compliance with this requirement. The court issued a preliminary injunction against termination of the contracts until the Secretary complied with NEPA. The injunction was subsequently affirmed by the 10th Circuit.

Nolop v. Volpe, 3 ERC 1338 (D. S.D. 11/11/71). The court upheld the standing of minor students at U.S.D. to sue as a class (through a guardian ad litem) to prevent construction through the campus of a Federally funded highway. It granted a preliminary injunction against further construction until a 102 statement is prepared.

Northwest Area Welfare Rights Orgn. v. Volpe, 2 ERC 1704, 1 ELR 20186 (E.D. Wash. 12/3/70). The court denied a preliminary injunction against further development of a highway project in Spokane. The court held that a claim of violation of NEPA was premature, since the only Federal participation was funding of an area transportation study.

NRDC v. Morton, 3 ERC 1473 (D. D.C. 12/16/71). The court preliminarily enjoined a proposed sale of leases for oil and gas extraction on the Outer Continental Shelf off eastern Louisiana. The court held that a substantial question had been raised about the legal sufficiency of Interior's 102 statement, particularly in the scope of alternative actions discussed.

NRDC v. TVA, 3 ERC 1468 (S.D. N.Y. 12/8/71). The court denied the defendants' motion to dismiss, which was premised on these grounds: (1) improper service of process; (2) improper venue; (3) lack of jurisdiction; and (4) failure to join indispensable

parties. It granted the motion of the Audubon Society to intervene as a plantiff.

Pennsylvania Environmental Council v. Bartlett, 1 ERC 1271 (M.D. Pa. 4/30/70). The court held that a conservation group had standing to challenge the Secretary of Transportation's approval of a State secondary highway relocation project, but that NEPA did not apply to a project for which planning and the award of a contract preceded January 1, 1970. In dictum, the court also expressed doubt that NEPA requires the Secretary to study the environmental impact of State secondary highway projects before approving them. The decision was later affirmed by the 3d Circuit.

Petterson v. Resor, 3 ERC 1170 (D. Ore. 10/4/71). The court upheld citizens' standing to challenge a Corps of Engineers dredge-and-fill permit for the expansion of the Portland airport. However, it ruled that the permit was not one for which congressional approval was required under 33 U.S.C. 401. A NEPA violation was claimed, but the court only mentioned it without dealing with it.

Sierra Club v. Hardin, 2 ERC 1385, 1 ELR 20161 (D. Alaska 3/25/71). The court upheld the standing of conservation groups to challenge the Forest Service's sale of timber in Tongass National Forest as violative of NEPA and other statutes. However, the court found that the Forest Service's reliance on the report of a panel of conservationists complied with NEPA "to the fullest extent possible" in view of the advanced stage of the transaction at the time of NEPA's passage. It found the claims under other statutes to be barred by laches. The decision has been appealed.

Sierra Club v. Laird, 1 ELR 20085 (D. Ariz. 6/23/70). Plaintiff conservation groups sued to enjoin the Corps of Engineers from proceeding with a channel-clearing project on the Gila River, which had been authorized prior to January 1, 1970. The court granted a preliminary injunction on the basis of the Corps' failure to comply with section 102(2)(C), Executive Order 11514, and paragraph 11 of CEQ's Interim Guidelines.

State Committee to Stop Sanguine v. *Laird*, 317 F. Supp. 665 (W.D. Wis. 1970). In a suit by conservationists to enjoin the operation of a signal-system test facility for noncompliance with section 102(2)(E) (requiring inter alia, that Federal agencies support international environmental initiatives), the court refused an injunction because of plaintiffs' failure to make specific allegations of noncompliance.

Texas Committee v. *Resor*, 1 ELR 20466 (E.D. Tex. 6/29/71). The court granted a preliminary injunction against work on the Cooper Dam project until the Corps of Engineers prepares a 102 statement.

Texas Committee v. *United States*, 1 ERC 1303 (W.D. Tex. 2/5/70), dismissed as moot (5th Cir. 8/25/70). The court granted a preliminary injunction to prevent Farmers Home Administration from financing a golf-course project that allegedly threatened important wildlife habitat. The project had been approved, but not commenced, before January 1, 1970. The basis for the injunction was that FHA had not considered the environmental impact as required by NEPA. The case was dismissed as moot when the golf course was located elsewhere.

United States v. *Brookhaven*, 2 ERC 1761, 1 ELR 20377 (E.D. N.Y. 7/2/71). The court granted a preliminary injunction against dredging by a municipality in navigable waters without a Corps of Engineers permit. It held that the Corps, which had issued a permit in 1967, was not required to grant a subsequent permit, since the law had changed with the passage of NEPA.

United States v. *Joseph G. Moretti, Inc.*, 1 ELR 20443, 3 ERC 1052 (S.D. Fla. 9/2/71). The court issued an injunction against further private dredging in Florida Bay without a Corps of Engineers permit. The injunction also required restoration of the defendant's past damage to the bay. The court relied on NEPA to justify considering ecological damage.

United States v. *247.37 Acres*, 3 ERC 1099 (S.D. Ohio 9/9/71). In a suit to condemn land for the Corps of Engineers' East Fork Reservoir project, the court refused to grant summary judgment for the Government. The court held that failure to comply with NEPA was a valid defense to the condemnation suit.

Upper Pecos Assn. v. *Stans*, 2 ERC 1614, 1 ELR 20228 (D. N.M. 6/1/71). The court upheld the plaintiff's standing to challenge an Economic Development Administration grant for construction of a road. However, the court held that a 102 statement was not required on the grant because the Forest Service, which was the lead agency in developing the road, had prepared a 102 statement on it. The decision was affirmed on appeal.

Wilderness Society v. *Morton*, 1 ERC 1335, 1 ELR 20042 (D. D.C. 4/23/70). In a suit by conservation groups, the court enjoined the issuance by the Secretary of the Interior of a permit for a road across Federal lands on the basis, among others, of the Secretary's failure to prepare a statement under section 102(2)(C) discussing the environmental impact of both the road and the related Trans-Alaska Pipeline.

Environmental Groups v. *SCS*. In a major test case that could affect hundreds of projects, environment groups have won a court injunction requiring an environmental impact study on a government-aided stream-channelization project.

Stream channelization is a widespread practice, often conducted under the auspices of the U.S. Soil Conservation Service, to widen, deepen or straighten stream beds for better control of water flow.

Environment groups took their case to a federal district court in North Carolina last November after the Soil Conservation Service decided it did not have to prepare an environmental impact statement for the Chicod Creek Watershed Project in Pitt and Beaufort counties, North Carolina.

In a decision dated March 15, District Judge John D. Larkins ruled that an environmental impact statement is required and must be submitted within 30 days.

He issued an injunction blocking federal action on the project until the statement is filed with the President's Council on Environmental Quality and is circulated for comment in compliance with the National Environmental Policy Act of 1969.

Summarizing the objections of the Soil Conservation Service, Larkins said, "Its primary concern in this action seems to be that if it has to issue an impact statement for this project, it will have to do the same for many other ongoing projects."

The service has more than 1,800 watershed projects under consideration or in planning

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THE 1972 HOUSING ACT: POTENTIALLY FAR REACHING MEASURES FOR OLDER AMERICANS

Mr. WILLIAMS. Mr. President, on March 2 the Senate overwhelmingly approved the 1972 Housing Act, which includes several measures of vital importance for older Americans. Three measures in that bill are particularly significant for the elderly:

First. A $100 million increase in the funding level for the popular section 202 direct loan housing program;

Second. Establishment of the position of Assistant Secretary for Housing for the Elderly at HUD; and

Third. Proposals sponsored by Senator CRANSTON to assure that the aged's special needs will be appropriately considered in the new section 502 interest subsidy program.

In the very near future, the House Banking and Currency Committee will consider S. 3248 in executive session. And I am hopeful that the House will act favorably upon these urgently needed measures.

The $100 million increase in the authorized funding level for section 202 once again puts the Senate on record in favor of the reinstatement of this program and its coexistence with the section 236 interest subsidy program. Moreover, it provides unmistakable support for restoring 202 to full and effective operation.

Section 202 was, in my judgment, one of the most successful programs ever enacted, without a single foreclosure during its 11 years of existence. This was true for many reasons.

First, this program was administered by housing specialists who focused exclusively on housing for the elderly. These individuals were dedicated public servants who gave so generously of their time and talent—quite frequently beyond normal working hours.

Equally important, section 202 provided housing which was tailor-made for the elderly. Because it was a specialized program for the aged, it was possible to develop flexible, comprehensive, and effective guidelines.

These guidelines grew out of an innovative concept: each project offered an opportunity for both the sponsor and the architect to develop new and better solutions for housing senior citizens. They were, therefore, encouraged to consider the use of new materials and construction methods, as well as new design concepts whenever possible. The list of advantages that flowed from these policies is lengthy, but a few examples deserve special mention:

First. Lower construction costs were often obtainable because 202 required open competitive bidding, as opposed to the negotiated cost-plus contract approach under section 236.

Second. In many cases local taxes were waived or abated because of the nonprofit status of the 202 sponsor. These savings were then passed on to the elderly tenants. On the other hand, section 236 projects were fully taxed.

Third. A section 202 project could have a single utility meter for the building, resulting in a cost savings for occupants. However, section 236 required separate, individual meters.

Fourth. The 202 requirement that all sponsors must be nonprofit organizations helped to encourage the long-range management commitments, which are essential to the successful life of an elderly project. As a consequence, the program was service oriented, rather than shelter oriented for the benefit of builders and contractors.

Recently HUD revised the section 236 guidelines for housing for the aged. But this revision still falls far short of the flexibility and the overall thrust of the 202 regulations. Under the new 236 guidelines, for example, preference is given to suburban site locations, even though mil-

lions of older Americans live in the central cities.

Recently I had an opportunity to view in a very personal way the effectiveness of the 202 program, when I visited the Springvale Terrace apartments in Silver Spring, Md. This visit helped to reinforce my strong convictions that 202 must be saved.

As chairman of the Subcommittee on Housing for the Elderly, I believe that shelter for older Americans requires sustained, specialized attention. For that reason, it is particularly important that a high-level position—an Assistant Secretary for Housing for the Elderly—be established at HUD. Housing programs for senior citizens need special guidance. And only an advocate with "clout" and visibility can guarantee the overall type of direction and coordination that is so urgently required.

Finally, I urge the adoption of the Senate-passed provisions to assure that the elderly will be fairly represented in the new section 502 interest subsidy program for multifamily housing. One key proposal is the measure to earmark 15 to 25 percent of the appropriated funds for housing for the aged. Additionally, S. 3248 permits up to 60 percent of the residents in elderly projects to receive rent supplements. Moreover, the 1972 Housing Act permits additional dining space for older persons who do not live in federally assisted projects.

These measures, I strongly believe, provide a sound and sensible response to the unique and growing housing needs of older Americans. For these reasons, I again urge the House to adopt these proposals.

WORLD TRADE WEEK

Mr. JAVITS. Mr. President, next week will be World Trade Week. Commerce Today, the publication of the U.S. Department of Commerce, indicates that Secretary of Commerce Peter Peterson has estimated that between 60,000 and 70,000 jobs are added for every $1 billion placed on the plus side of the national trade ledger.

This is often overlooked to present a balanced picture since congressional offices are more likely to get letters from persons who have lost jobs because of imports or because of "runaway plants" than they are from persons who have found jobs because of exports or to service overseas private investment activities. It would be my prediction though that if legislation highly restrictive of trade were passed, that the flow of mail we are presently receiving could undergo a significant shift as those adversely affected would realize that such legislation may cost them their livelihoods.

In connection with World Trade Week the Department of Commerce will distribute some 40,000 posters carrying the message that Exports (Too) Create Jobs.

In a recent address Secretary Peterson developed the interest that the American consumer has in the Burke-Hartke legislation. This again is an area that is overlooked primarily because the American consumer has not been organized as effectively as have other groups. However, such organizational efforts are underway and the growing political feeling of the consumer has been felt on such recent issues as sharply increasing meat prices.

I ask unanimous consent that Secretary Peterson's fine speech entitled "Consumers and the Hartke-Burke bill" and an article on the importance of this legislation, published in the May 15 issue of the Wall Street Journal, be printed in the RECORD.

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

CONSUMERS AND THE HARTKE-BURKE BILL

(Address by the Honorable Peter G. Peterson, U.S. Secretary of Commerce)

INTRODUCTION

It has often been said that this is the age of "consumerism," and that in the United States this trend has gone further than in other countries. And it is certainly true that Americans can choose freely, widely, handsomely—and I think—joyfully among an impressive array of consumer goods in virtually all product areas. Who among our consumers would deny that this freedom and richness of choice is an important part of our quality of life? The retail industry of the U.S. has played a major role in bringing about this result—no doubt by practicing the old but, timeless slogan "The Customer is Always Right."

But an anomalous development is now taking place—an organized effort to raise our cost of living, to divert our human and industrial resources from the things we do well and efficiently to the things we do less well and at higher cost, which would raise unemployment and wreak havoc on overall U.S. foreign policy at the same time.

I am referring to the "Foreign Trade and Investment Act of 1972"—otherwise known as the Hartke-Burke bill.

It has been said that there have always been many who would try to substitute their judgment for the market place—who would opt for a market autocracy (as long as their view was accepted, of course) instead of a market democracy. These times are no exception.

What is behind this curious bill that would purport to make us richer by increasing inflation? That would increase unemployment in our most efficient industries? That would set us on a course of economic isolationism yet anticipate no counter-measures from our customers abroad? That would trigger bitter political conflict with our major allies around the world?

The Hartke-Burke bill represents a protest vote against imports—What is behind it?

The contemporary debate over imports and investments is amply endowed with catchphrases, the most familiar to us being the so-called "export of jobs" by U.S. investors—particularly the larger multinational firms. The U.S. is also said to be receiving a "flood" of imports, implying that imports are something bad and the country is in danger of drowning.

Historically, imports have always received "bad press." Today, imports continue to have a bad reputation—with nearly everyone, that is, as you know best of all, but the consumer.

The existing vocabulary of the world of trade has shifted from the characterization of "mercantilists" to the more modern formulation of "free traders" vs "protectionists."

I hope tonight to avoid this kind of simplistic rhetoric that polarizes us all, i.e., "free traders" versus "protectionists."

The implicit overstatement hidden in this kind of talk is dangerous. A "free trader" is often thought of, at least by his adversaries, as a naive, theoretical, "do-gooder" who would give the country away on behalf of outworn economic theories that nobody else lives by. His critics would call him a softball player in an era of an international world series of hardball. The "protectionist", on the other hand, is stereotyped as an economic Neanderthal whose greed and narrow self-interest would plunge the country backward, if unintentionally, into the closed and retarded world of the Middle Ages.

As in nearly all stereotypes that persist, there is probably at least a touch of truth in each of these. But this is not a time for name calling but for finding a balanced position that fits the modern realities.

I'm convinced that one can be for an open world—without, if you will forgive the expression in this group, giving the store away. That one can be for reviving the spirit of the Yankee Trader, whom we may have forgotten. He bargained hard, but also marketed hard—because he was for more, not less trade. Incidentally, Secretary Connally has demonstrated that you don't have to be from the north to be a Yankee Trader.

I would be one of the last to deny that we face serious international economic problems or that a passive, benign approach was (or is) appropriate.

The President's August 15 moves were far from passive or benign. They were obviously the bold steps of an activist—who at the same time moved in a way that was consistent with his vision of an open world. The U.S. trade balance has shifted from a surplus of about $6 billion in the mid-1960s to a deficit of $2 billion in 1971, a swing of about $8 billion. This shift did cost U.S. jobs, and not all of them were offset elsewhere in our economy.

These are difficult and complex problems, and we are, I think, addressing them with vigor. But inward moving steps toward a closed world, and especially the Hartke-Burke bill, would exacerbate every one of them.

It would solve none. Indeed, it would deepen the international economic problems of the U.S. for the 1970s and beyond.

FUELING INFLATION

What does the bill do? The Hartke-Burke bill proposes that most items imported by the U.S. from foreign countries, be rolled back to the 1965–69 level. They could then increase only in proportion with rising U.S. production. This would mean a cutback of about $10.4 billion from our present level of imports, and more from future levels.

Now, many retailers have adopted the slogan, "Keep The Lid On" in cooperating with the President's wage-price program. The Hartke-Burke bill would "slap a lid" on imports at levels reflecting 1960's consumer demand and preferences but "take the lid off" a major restraint on inflation.

It is difficult to quantify precisely the overall price effects of these cutbacks. The Department of Commerce trade staff is trying to do that. We do know, however, that they would be very large.

One well known advertiser uses the now famous commercial line "Try it—You'll like it." While not attempting to improve on Madison Avenue, the Hartke-Burke bill could bring about a new jingle which says "Try it—You'll like it: If you can find it—and if you can afford it."

Under the Hartke-Burke proposal, imports of capital goods needed by American manufacturers to stay abreast of foreign competition would be rolled back by 31% from 1971 levels.

Consumer goods would decline 34%, food 15%, and automotive vehicles a whopping 56%. Of course, certain imported items would be particularly hard hit. Imports of color television sets, for example, would be cut back by 64% ($131 million). Imports of new passenger cars would drop by 54% ($2.3 billion), and imports of 35 mm still cameras

by 30% ($10 million). Some experts tell me it is probably safe to assume that the bill would raise the US price level by at least $10–$15 billion, and probably much more.

Such a development would be tragic, both for our domestic economy and for our international competitive position. You are all well aware of the major effort launched by President Nixon last August to bring U.S. inflation under control. Phase II has as an interim goal reducing the rate of inflation by 1.5%–2%, down to 2%–3% by the end of the year. It is thus highly relevant to note that the Hartke-Burke quotas could raise prices by at least 1.5%–2%—as much as Phase II will reduce them! In short, such legislation could seriously undermine the anti-inflationary effects of the President's wage-price program!

For example, more than 600,000 Americans currently demonstrating a desire to buy an imported subcompact would be prevented from doing so. In fact, perhaps General Motors, if they supported this legislation which they certainly do not, could change their ad to run: "We're building a better way to see the USA—in fact its the only way!"

Would importers be content to simply sell half as many cars at the same price as before? They would have to lay off workers and cut expenses where they could, but their unit costs would also inevitably rise. Furthermore, they would find an oversupply of customers clamoring for each car allowed in. So they (and of course the manufacturer) could easily raise prices to minimize the reduction in their profits. Finally, U.S. import quotas of this severity would go far toward permitting U.S. manufacturers to simply charge much higher prices than their own costs or the marketplace would dictate. Think with me of the effect of quotas which virtually guarantees the domestic producers a fixed share of the market. How many of your suppliers have lowered prices as an offensive marketing weapon to hold on to their market share against foreign competition? I would guess a great many. What do you think would happen if that fear, or stimulus, were removed? They would have far less incentive to hold prices down.

In addition to lowering the level of imports, the quotas applied according to the bill's formula would freeze the product and country mix at the average ratios existing from 1965–1969. Think with me how often in your retailing lifetimes—demands or tastes have changed, and in turn the quality of foreign sources has changed.

For example, consumers have recently shown increasing preference for Japanese cars in relation to German cars. In 1971, four out of every ten purchasers of foreign cars bought a Toyota or Datsun. Under the proposed quotas, only about half as many new foreign cars would be allowed into the country and only one in seven of those could be a Japanese car.

Thus, any changes in consumer preferences would be ignored, along with the price increases. This is a way of saying that skirt lengths might be hemmed in forever.

REDUCING OUR COMPETITIVENESS

Those domestic price rises I have talked about would also substantially erode the international competitiveness of the US economy. We know that the inflation of the mid and late 1960s had just such an effect. It made our dollar increasingly over-valued in the exchange markets, retarded our exports and stimulated imports. It required us to devalue the dollar late last year.

The devaluation should improve our trade balance by about $6 to $8 billion over the next few years, according to our own estimates, those of the international economic organizations, and those of leading academic economists. It will thus restore much of our earlier trade surplus. In the process, it should create at least half a million additional jobs for US workers—precisely the number, incidentally, which the AFL-CIO claims were lost due to the changes in our trade balance in the late 1960s.

The recent devaluation, however, has only provided us with an opportunity. We could fritter it away if we fail to maintain the competitive improvement which it provides. I have already outlined how the Hartke-Burke bill would raise our prices, and thus reduce our competitiveness directly.

In addition, Hartke-Burke's sweeping import quotas would deny US producers some of the vital imports they need to remain competitive, or at least raise substantially the costs of those imports. Our textile industry, for example, buys substantial amounts of European machinery in its drive to improve productivity.

Most importantly, however, a rigid regime of import quotas would affect the American competitive spirit. I don't even recall as a former businessman ever going to work thinking how *glad* I was to have competitors. I suspect none of us really enjoy our competition. And it is certainly easy to dislike foreign competition even more. And yet, we all know that competition from abroad has increasingly provided the US with a strong incentive to innovate, introduce new technology and to maximize quality and productivity.

There are a number of good illustrations of this traditional resilience of our system—when it is challenged. One is shown by the recent experience of US electronic calculator manufacturers. Increased foreign competition and an eroding market share gave domestic producers a timely indication in the late 1960s that their technology was becoming outmoded. On the basis of this import-precipitated "early warning", American manufacturers initiated an intensive R&D effort which is now paying sizeable dividends in terms of increased sales of US calculators both at home and abroad. And one US manufacturer is close to producing a mini-calculator for under $100—far under the price of similar Japanese versions.

It is highly doubtful that domestic producers would have responded as rapidly to changing market conditions had they been afforded the security of import quotas.

Another area is in knitted fabrics, where U.S. manufacturers of double knits have opened up a whole new set of styles . . . in other words, not just a manufacturing innovation, but a product-marketing innovation.

Thus looking at the realities of managerial decision-making in America, it appears doubtful that our response would be as swift or as intensive in a situation where permanent quota protection was present. Many have asked. Would Detroit have developed the compact as soon without the pressure of Volkswagon in late 1950s, or the sub-compact without the pressure of Toyota and Datsun in the late 1960s? Would the steel industry have adopted the oxygen process as soon except for its success abroad and resultant foreign penetration of the US market? Yet it is precisely such actions which are crucial if we are to maintain the leadtime necessary for the production of technologically superior products on which our international competitive position rests.

Numerous exercises comparing US R&D expenditures with those of the European Community and Japan indicate that the latter countries are now allocating a considerably larger share of their resources for this important task than does the United States. We simply must improve the US technological performance, which is why the President recently sent to the Congress the first Presidential message on technology and ways of stimulating industrial uses of technology. But in the event that Americans obtained additional protection from foreign competition through a system of import quotas, it is reasonable to assume that some US producers would give an even lower priority to R&D.

THE FOREIGN RESPONSE

What about the effect of Hartke-Burke on other countries? Can we expect others to acquiesce to quotas? Our major trading partners would stand to lose an average of nearly 30 percent of their exports to the U.S.

Imports from the European Economic Community would be cut back nearly 25 percent, or $1.8 billion.

Canada would be hit with a 30 percent loss in its exports or $3.6 billion—which would cut its entire Gross National Product by 4 percent!

The less developed countries, which literally depend on exports for their survival, would be dealt a further severe blow to their aspirations. And tragically, those that are the newest of the developing countries (and these are usually those with even greater poverty), would be hit the hardest since their 1965–1969 imports to the U.S. would be at lower levels.

Let's look closer again at the case of Canada. About 70% of Canada's exports are shipped to the U.S. Hartke-Burke would roll back Canada's exports to the U.S. some 30%. This would displace about 326,000 Canadian jobs. If the U.S. were in Canada's shoes this would be equivalent to a whopping 3.4 million jobs.

Frankly, I don't know why the proponents of Hartke-Burke think Canada, or Japan, or any of the other countries that would be severely impacted, would or could sit still in the face of this kind of economic disruption. Would the U.S. be able to do so? Or want to try? Would we not agree that the internal political repercussions of a jolt of this magnitude would force *us* into retaliation. Would other nations react differently? I think not.

Furthermore, it is a good bet that foreign retaliation would be carefully aimed at our major export items—often the strongest sectors of our industrial society.

Perhaps like all countries, we are a country of anecdotalists. This may explain why so many of us, when talking about trade will refer to one or two heavily impacted industries and draw massive generalizations about the state of U.S. manufacturing. For example, when I talk about the impact of this Bill on our export manufacturing industries, some will say . . . What export manufacturing industries are you talking about? It surprises them, and it may surprise you, when I tell you that the U.S., even in its first year of trade deficit since 1888, exported over $30 billion of manufactured goods, equal to what we imported.

Suppose, to take a specific example, if the European Community retaliated against the U.S. aircraft industry, sales of most current model U.S. aircraft to European airlines could virtually cease, with an annual loss of export sales of about $400 million. Europe could not only supply most of its near term needs for aircraft from its current or planned production, but its response to U.S. quotas would also threaten future generations of U.S. aircraft. New projects either would be precluded, as the EEC produced competitive aircraft, or would have to be priced to yield a break-even point at a much lower level of sales. Economies of scale could not be realized as they have in the past. In turn, increased costs of future aircraft to U.S. airlines would be passed on to the consumer in higher air fares. Everyone would lose. The manufacturers would sell fewer airplanes. The airlines would pay higher prices for them. The consumer would get higher air fares. And many highly skilled, high paying jobs would be lost in the already troubled aero-space industry.

Despite the certainty of retaliation against our exports under the Hartke-Burke quotas, there are some who say "what of it?" They suggest that reducing both sides of our trade account by the same amount would provide a net increase in the number of jobs here at home. They assume that the job content of the domestic production which would replace

imports is greater than the job content of our exported goods. This assumption is false.

Indeed, the reverse is true. When both direct and indirect labor requirements are considered—that is, the labor directly occupied in export and import-competing industries, and also the labor required to produce intermediate goods which support these industries—it turns out that our exported goods are actually more labor-intensive than our domestically produced goods which compete with imports.

Professor Leontief of Harvard demonstrated this point some twenty years ago, and the so-called Leontief Paradox recently has been given new and impressive empirical support. The net losers in any trade warfare ignited by the Hartke-Burke bill would be American workers—who are also, after all, American consumers, too!

Under the most favorable assumptions, retaliation and counter-retaliation would create only as many jobs as they would destroy, and society would be forced to pay not only substantially higher prices for its goods but the additional cost of moving workers out of export industries into import-competing industries. But I would repeat it is demonstrable that more U.S. jobs, and higher paying jobs at that, would be lost from the reduction in our exports than would be gained as domestic production substituted for imports, and the U.S. unemployment would rise as a result. Those who argue for protectionism are unintentionally I believe, misrepresenting the true interest of American labor, both as workers and as consumers, except in the narrow and short term sense of a particular industry at a particular time.

But the foreign response to a U.S. Hartke-Burke bill would go far beyond these immediate trade and job effects, catastrophic as they would be. We would also forfeit some critically important opportunities to negotiate a more equitable and balanced international trading system—which we certainly need. Since last August, we have been working hard—and with some success—to reduce those foreign barriers to trade which hinder U.S. exports. The U.S. government wants to enter into major trade negotiations, beginning in 1973, to get at those barriers in a major way. We want to change those rules of the international trading system which we feel discriminate against the U.S. But a Hartke-Burke bill would send U.S. trade policy careening in the opposite direction, and I believe would destroy any chances for improving our acccess to foreign markets and improving the international rules.

And what of the effects of such a U.S. trade policy shift on our overall foreign policy? I have already indicated that the Hartke-Burke quotas would levy billions of dollars of losses on our major allies—in Western Europe, Japan, and Canada. The internal political effects of such U.S. action could be devastating to any efforts by the governments of these countries to maintain close ties to the U.S. Would we continue to advocate active cooperation with any country which unilaterally destroyed several percentage points of our GNP, and millions of U.S. jobs?

A POSITIVE ALTERNATIVE

I thus conclude that passage of the Hartke-Burke bill, or anything like it, would be a national disaster for the U.S. and an international disaster for the world in which we live. Indeed, it would intensify all of our domestic and international economic problems, and bring us new political problems in their wake.

But foreign trade, like all economic change, does cause real problems for certain individuals. Recognition that open and balanced trade helps the nation as a whole is no solace to the worker who does lose his job, or the firm which goes bankrupt, as a result of imports. We must have a clear and effective policy approach to deal with such problems.

I have already mentioned some elements of such an approach. Our economy must grow rapidly, to achieve full employment and induce rapid rises in productivity. We must effectively check inflation, to stay competitive both at home and abroad. We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedures to govern the international monetary and trading systems. These steps alone would go far to enable us to maintain open trade policy, as indeed they did in earlier periods. We must never forget that millions of workers in civilian work force of around 85 million shift jobs each year within our economy, overwhelmingly due to purely domestic reasons, and that most of the dislocation caused by changing trade patterns can be readily absorbed in an expanding U.S. economy operating with a monetary system that keeps our balance of payments in equilibrium.

In addition, however, we must have an effective program which will provide assistance to those industries, firms, and especially workers, injured by imports. Such an "adjustment assistance" program was adopted by the Congress in principle in 1962. But it has been ineffective in practice due to a combination of excessively tight legislative requirements, excessively tight legal interpretations of those requirements—indeed, a failure on all our parts to attract sufficient priority to this very economic but also very human problem.

Also, since the adjustment process takes time—even when accelerated by a program of assistance—some have suggested that temporary orderly marketing instructions should be available. (And we are exploring possibilities of internationalizing its criteria for invoking such mechanisms.)

An interagency group is hard at work devising a better adjustment assistance program. Access to adjustment help must be greatly eased. Assistance must become available much more quickly to those who need it; "early warning" must apply in this context as well. It must receive the highest priority from both the Administration and the Congress. The AFL–CIO has estimated that a viable program for workers would cost about $500 million annually. Even if one accepts this figure without question, it strikes me as a very good buy if it preserves the billions of dollars of consumer benefits, the thousands of jobs, the unquantifiable but nevertheless huge gains in terms of U.S. economic competitiveness and overall U.S. foreign policy, which derive from our maintaining an open and balanced trade policy for the United States.

THE ROLE OF RETAILERS

I would submit that retailers are among the major beneficiaries of such a policy within our society. And you stand to lose a great deal, too.

As our whole society gets more complicated, the task of governing can come to resemble an esoteric discipline in which the best practitioners are those who are capable of mastering the greatest volume of information and detail. Since everyone is not equally adept, it follows that some of us in Washington will rely on time honored ways of making their job easier. This means they will rely on lobbyists.

The trouble with relying too heavily on this system is that it implicitly assumes that all interests are organized when, in fact, the true picture is very different. What really exists is a situation in which only those who were directly affected in the short run and who have the resources to spend were exerting sustained pressure on Congress.

In the critical field of trade, I believe the great unorganized public—your customers—are hardly represented at all. It is possible therefore to pass misguided and harmful legislation because no one is able to put pressure on Congress in his capacity as a member of the unorganized public. The question "For whom do you speak?" could only be answered "I speak for myself" and that is not good enough.

The harmful effect of this system of representation is illustrated in the current debate. Imports have—as I noted earlier—historically had a "bad press"; that is, they have had a bad reputation with everyone but the consumers. Even though the consumers were importantly affected by imports, their overall opinion has really counted for very little partly because the consumers were not informed and energized. Even though this situation is changing, particularly as our recent experience with rapid inflation has had the salutary effect of mobilizing this concern, the consumer still needs educators and advocates and what I am proposing is that you, the retailers, help to fill the gap.

You gain enormously from the preservation of consumer freedom and consumer rationality, from the ability of the consumer to enjoy his changing tastes at reasonable prices.

In a sense, Americans need the stimulus of trade and international competition even more than most people. For us, expansion, innovation and competition have always been a way of life and we have benefited greatly from our willingness to compete on equal terms with all comers, anywhere in the world. Frederick Jackson Turner, a noted historian, wrote that Americans need an outlet for their energies. He saw the closing of the frontier as a crucial turning point for this society which had until the early part of this century given itself wholly to the great task of settling a continent.

In many ways we see evidence today of the wisdom of Turner's assessment. Increasingly, the dynamism of our society is giving way to lassitude and a certain purposeless time serving which not only harms us economically, but does great social harm as well. Given this situation, can we sanction a bill which would restrict our freedom of economic expansion still further, that would freeze us into a pattern of protection and economic reaction? I think not, and I hope that anyone who stops to consider the whole picture will agree.

You thus have a unique position from which to judge the need for an open trading system and an open world, and for opposing efforts to reverse it. I would like to close by suggesting some ways in which you could exercise that responsibility.

The first requirement is educational. Few consumers realize, even now, how international trade can either accelerate inflation or help combat it. Few realize how it can increase, or decrease our standard of living. To the extent the consumers' interest is unrepresented—it is likely his interests will be misrepresented.

Given your broad mission to serve the interests of your customers, given your enormous knowledge and given your impressive communications resources and abilities, I think you have a decisive role to play in a creative and different kind of "protectionism" i.e., protecting the true interest of the customer.

Longer term, the position of the retailer is just as likely to be damaged by import quotas as the consumer. Consumers and retailers, in fact, tend to share each other's fates in various ways. As the final link between the product and the consumer, the retailer is always closely identified in the mind of the purchaser with the goods which he happens to sell. This means that if the goods are "overpriced" it will be a reflection on the retailer and not, as might be more just, on the conditions which forced him to raise prices to their high level. You are the "omnipotent middlemen" and when times are hard you make a convenient target for those who have no other outlet for their anger. Retailers, in short, have a lot to

lose by import quotas which force up consumer prices, restrict their choice of goods and, therefore, reduce their creative contribution to a rising standard of living.

On trade, the American consumer has indeed been a "silent majority". He can no longer afford to be silent. The "majority", after all, is all of us.

The most important thing, though, is to recognize and communicate just what a restrictive philosophy such as Hartke-Burke contains would really mean.

It is analogous, I think, to the all too common if human attempt of an individual to isolate himself from experience that would challenge him . . . like Linus' desperate search for a security blanket.

The individual may achieve a certain security, but the cost of such security is very high. It is attained at the expense of the opportunity to grow and learn, and in the end the legacy can only be a complacent mediocrity which, never having been challenged, can never progress.

An individual depends even on his failures to help find the limitation of his own abilities. Nothing is more disastrous than to set one's own limits in anticipation of failures that may occur. This is no less true for a nation—especially one that is as great as ours.

[From the Wall Street Journal, May 15, 1972]

THAT BURKE-HARTKE BILL: LABOR, BUSINESS SQUARE OFF IN TRADE FIGHT EVEN THOUGH KEY BILL HAS NO CHANCE IN 1972

(By Albert R. Hunt)

WASHINGTON.—A bruising battle is shaping up over trade legislation that friend and foe alike agree probably isn't going anywhere this year.

The measure is known as the Burke-Hartke bill, and it would curb imports and discourage corporate investment abroad. That means job protection for American workers, so organized labor is squarely behind it.

But Burke-Hartke's foes, led by the Nixon administration and the international businesses whose sails would be trimmed, see the bill as the most regressive and dangerous piece of trade legislation since the Smoot-Hawley Tariff Act of 1930. So they're feverishly at work trying to counter labor's lobbying.

The administration has been rushing out studies on the economic benefits to the nation of international corporations, and the globe-girdling companies are busy making similar defensive pitches. International Telephone & Telegraph Corp., currently one of the more visible U.S.-based international concerns, recently hired the New York public-relations firm of Harshe-Rotman & Druck to visit 30 large cities to proclaim to newspaper editors and financial writers the virtues of international companies.

The bill introduced late last year by Rep. James Burke (D., Mass.) and Sen. Vance Hartke (D., Ind.) clearly has become the focal point for the growing debates over U.S. trade and foreign-investment policies. "Burke-Hartke is now the forum to sort out all these matters," says Lee Morgan, president of Caterpillar Tractor Co. and head of a U.S. Chamber of Commerce task force opposing the measure.

And while even many of the bill's supporters concede privately that it isn't likely to be considered by Congress this election year, the battle lines are forming for a future confrontation that could reverse decades of U.S. international economic policy.

CREATING JOBS

"The bill already has achieved one of its objectives," one lawmaker asserts. "It has created a hell of a lot of jobs—to either push or fight the thing."

The bill's very existence, plus its politically potent labor backing, has dissuaded the Nixon administration from sending Congress any trade legislation this year—for fear protectionist proposals like those in Burke-Hartke might be adopted. As a result, it's "highly unlikely" that Congress even will consider any trade matters this year, says Rep. Wilbur Mills (D., Ark.), chairman of the House Ways and Means Committee, which has jurisdiction in such things.

The bill's most far-reaching section would limit annual imports to the same percentage, on a country-by-country and item-by-item basis, that came in from 1965 to 1969. Goods already under quotas or voluntary agreements, such as steel, wouldn't be affected.

The legislation also would establish a Foreign Trade and Investment Commission, which could lift the import restrictions if it determined a domestic industry "failed to modernize" its facilities or if failure to import would cause "disruption" of domestic markets.

Almost as much controversy has been generated by the bill's section curtailing activities of international companies. Generally, this would eliminate the common practice of U.S. companies deferring taxes on foreign earnings until this income is brought back to the U.S.; foreign income would be taxed when earned. Also, the companies no longer would be allowed a U.S. tax credit on taxes paid to foreign governments; such payments would be treated as deductions from taxable income.

Other sections would grant the President wide authority to restrict capital and technological flows, tighten enforcement of anti-dumping and countervailing-duty laws, and make it easier to determine when domestic industry was hurt by imports and thus entitled to financial relief under the adjustment-assistance program. (The provisions streamlining adjustment-assistance procedures are the only part of the bill the Nixon administration and most free-traders support.)

"UNIVERSAL PROTECTIONISM"

Protectionist legislation has been periodically introduced in Congress for years, yet few measures have aroused the reaction of the Burke-Hartke bill. In the past, most protectionist proposals dealt only with one particularly aggrieved industry, while the current proposal is an across-the-board approach.

"This is the new universal protectionism," states Robert McNeill, executive director of the Emergency Committee for American Trade, the most active of the groups that now devote most of their time and energies to fighting Burke-Hartke.

Another difference this time is that a high unemployment rate—hovering near 6% for a year and a half—and a whopping $2.05 billion trade deficit in 1971 have fueled protectionist sentiment on Capitol Hill. Last month, for instance, a liberal New York Democrat, Rep. James Scheuer, broke from his traditional free-trade posture and called for a "realistic and careful consideration" of the Burke-Hartke bill.

"I'm afraid my self as to what might happen if we undertook to pass a trade bill now," says free-trader Wilbur Mills. This is one reason, he admits, why the Ways and Means panel doesn't plan trade hearings this year. With a heavy schedule already, the more protectionist-oriented Senate Finance Committee isn't planning any trade hearings this session, either.

But there's considerable concern within the administration that parts of the Burke-Hartke proposal might be added to other legislation. "The chances of Burke-Hartke passing this year are quite low," says Commerce Secretary Peter G. Peterson, "but the risk of breaking part of it out into other current legislation is considerably higher."

A MAJOR EFFORT

Thwarting such efforts only means postponing the battle, for President Nixon is committed to major multilateral trade negotiations starting in 1973, and he is expected to ask Congress later for broad tariff-cutting authority.

And the section dealing with tax treatment of foreign affiliates could get caught up in the rising congressional cries for tax reform. A series of tax measures offered by Sen. Gaylord Nelson (D., Wis.) proposes eliminating the deferral of taxes on earnings of foreign subsidiaries.

Aware of these potential pitfalls, the Nixon administration is mounting a major effort to combat Burke-Hartke. "We've got to let the American people know we have a comprehension and a commitment to do something about these problems," says Treasury Secretary John B. Connally. "In absence of that, we're going to be in the protectionist battle of our lives."

Their biggest hope, administration men say, is some significant improvement in the trade balance and in U.S. employment. "As long as trade deficits continue and unemployment remains relatively high, the trade atmosphere isn't good," says Mr. Peterson.

The Commerce Department estimates the Burke-Hartke quotas would reduce imports by about $12 billion a year or more than 25% from last year's level. An internal department report says declines would be as much as 36% for products from Japan and 27% for those from the Common Market nations. This report also estimates that color television imports would drop by 64% from 1971 and auto imports would decline 52%.

This would increase prices significantly, Mr. Peterson warns. Realizing that demand would far outstrip supply, importers would boost their prices, he contends. And domestic producers, assured of a bigger share of the market, also would be more inclined to raise prices, he argues.

WOULD OTHERS RETALIATE?

The administration and the international groups further argue that the tax proposals would cripple new foreign investment by placing American companies at a competitive disadvantage. These contentions have been picked up by most major business organizations, including the Chamber of Commerce and National Association of Manufacturers, which have been cranking out reports, studies and speeches against the Burke-Hartke Bill.

Perhaps the most heated debate is whether the bill would produce retaliation by U.S. trading partners. "It's too much to expect that we're going to cut other countries' exports by 36% or 27% and limit investment and that nothing will happen to us," asserts Mr. Peterson. A Commerce Department study suggests there would be "immediate retaliation" since the "political and economic pressures" abroad "would be so great as to make such retaliation unavoidable."

Labor dismisses this notion, however. "These arguments simply are out of date," contends Liz Jager, an AFL–CIO economist. "For 25 years we've shown concern for other nations, and now they're just going to have to realize it's in their self-interest to do the same for us." There may be some "small retaliation," concedes Meyer Bernstein, head of the Steelworkers Union's international division. But he says, "Most other nations will want to keep their share of our market, so significant retaliation would be almost impossible."

These labor officials claim the opposition is waging an intensive "hate campaign." "They refuse to make public any accurate figures, so they're resorting to one misrepresentation after another," says Ray Denison, the AFL–CIO's chief lobbyist on the Burke-Hartke measure. In March, AFL–CIO President George Meany dashed off an angry letter to Mr. Peterson accusing the Commerce Department of disseminating a "biased" report on international companies containing "false" conclusions.

LABOR IS UNITED

Labor's own efforts are going full-throttle. "They're united on this, and their effort is

simply enormous," says Mr. McNeill. Some unions have supplemented their regular lobbyists by bringing special delegations here to buttonhole their Congressmen. "Save-our-jobs" rallies are being staged around the country, and bumper stickers and posters are proliferating. Labor also is seeking support from state and local governments. Last month, for instance, the Milwaukee city council endorsed the Burke-Hartke bill.

The rapid growth of imports and international companies has forced labor to alter its historical free trade posture, union spokesmen admit. "We go out in the field to talk about national health care or minimum wage, but all the rank-and-file want to talk about is their jobs and what imports are doing to them," says one labor official.

Many union men contend the alternative to the Burke-Hartke measure isn't free trade but rather is "real" protectionism. "Burke-Hartke doesn't set up walls, but rather says to foreigners 'you may advance as our industry improves,'" says the Steelworkers Mr. Bernstein. And if this is beaten back there are dire warnings of much tougher measures. "The emotionalism of this issue is so great it'd be very easy to launch a 'buy American' program and really try to put up walls," says the AFL-CIO's Mr. Denison.

Few supporters feel that the Burke-Hartke measure, in its present form, will ever pass Congress. But they're confident that events inexorably are moving in the direction of some import curbs.

RAILROAD ABANDONMENTS

Mr. MONDALE. Mr. President, recently, at an Interstate Commerce Commission hearing at Redwood Falls, Minn., I expressed my strong opposition to the abandonment of rural rail lines.

I testified there on behalf of the farmers and rural residents who are threatened with the loss of their rail service. The Honorable Wendell R. Anderson, Governor of the State of Minnesota, as well as several other elected officials, also protested the abandonment.

On the other side of the issue is the well-oiled machinery of a large corporation which owns the railroad involved. In the decisionmaking position is the Interstate Commerce Commission. I would hope that in this case, as it should be in all cases, the Commission would be a regulatory agency whose primary function is the protection of the people. That does not seem to be the case. As Governor Anderson pointed out:

> Since 1963, there have been 13 similar railroad abandonment contests in Minnesota decided by the Interstate Commerce Commission. The score reads 13 wins for the railroads, none for the people.

Mr. President, there are 10 pending abandonments in Minnesota, involving some 247.87 miles of track. That trackage serves 28 communities in Minnesota. Beyond these abandonments which are at present pending on the ICC docket, State government and private industry in Minnesota have projected much more alarming railroad company plans. According to projections, based on rail industry plans, by 1980 the State would have only a few major rail lines crossing it. As Jon Wefald, commissioner of agriculture in Minnesota, points out:

> The rail industry plans to fold up and rip out the vital economic life sustaining transportation arteries of the bulk of the rural community by 1980.

I am concerned, not only because of the consequences which would be visited upon the rural people of Minnesota, but also because of the severe threat this abondonment trend would have on all of rural America. How ironic it is that when rural development has finally gained national interest, there are so many forces intent on destroying rural transportation systems. Instead of seeking ways of improving service, railroad companies want to get out of the rural areas. The Federal Government, instead of proposing ways of improving and continuing rail service in rural areas, continues to grant more and more abandonments. Transportation legislation such as the Surface Transportation Act and the administration's Transportation Assistance Act seek to make abandonments of rail service even easier.

The wholesale abandonment of railroad lines must stop. Rural outmigration will be speeded by loss of these vital transportation arteries. For that reason, I strongly urge prompt action along the lines of Senate Concurrent Resolution 56 and Senate Joint Resolution 225. These measures seek to declare a moratorium on abandonments until alternatives can be developed to solve the transportation problems of rural America.

Mr. President, the Minneapolis Star, in an editorial, recently supported a moratorium on railroad abandonments. The St. Paul Pioneer Press, in a news analysis by Don Spavin, did a fine job of detailing the complexity of the abandonment issue as it affects not only small towns in Minnesota, but also the thousands of small communities across the Nation.

Mr. President, I ask unanimous consent that the editorial and article be printed in the RECORD.

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

ABANDONING RAIL LINES

Some key people in both political parties showed up at an Interstate Commerce Commission (ICC) hearing in Redwood Falls last week to protest the proposed abandonment of rail freight service on a branch line between Wanda and Sanborn.

Their appearances and some of the things said gave some small hope that Minnesota might really be serious about establishing a state transportation and/or state development policy. Certainly the need for such an approach was demonstrated.

For example, Sen. Walter Mondale said it would cost about $80 million to provide communities threatened by loss of rail service with nine-ton highways. And the question posed immediately is whether government could or would build the highway, keep the railroad running or let those small towns perish.

The list of prospective rail abandonments was put together not by a state agency but by one of our large industries. That says as much as anything else about how well prepared the state is right now to offer a positive answer to the problems of all the Wandas in Minnesota.

Gov. Wendell Anderson can talk, as he did at Redwood Falls, about his responsibility to protect the economic well-being and quality of life of outstate communities, he can decry past performance of the railroads and he can support a national moratorium on railroad abandonments, but the harsh fact is that's about the limit of the state's ability at this time.

There is activity in the Anderson administration now aimed at establishing a state Department of Transportation, which could be the vehicle for creating a state transportation policy. But how that state policy would weigh the difficult choices involved in railroad abandonments—which is only a part of the whole problem—remains to be seen, and, frankly, we are skeptical.

The idea of a temporary moratorium on railroad abandonments while some attempts are made to sort this all out is certainly appealing. Mondale also suggested the possibility of operating rural railroad branch lines in the same manner as REAs and federal subsidies of branch lines, and those, too, deserve exploration.

WHO CARES WHETHER WANDA GETS BURIED?

(By Don Spavin)

REDWOOD FALLS.—All that remains is to bury the corpse.

The nails were hammered into the coffin of another Minnesota village this week when a public hearing was held here by the Interstate Commerce Commission to determine whether the Chicago & North Western Railroad could abandon eight and two-tenths miles of track linking the little village of Wanda with Sanborn, and eventually the markets of the world.

Someone once said, "Nothing is certain but death and taxes," and to that might be added "I.C.C. affirmation of requests for rail abandonment." For, despite eloquent political pleas and veiled threats, the chances that the I.C.C. will vote against the wishes of the railroad are pretty slim. In 13 such cases heard in the past few years in this state, the railroad has won permission to abandon 13 times.

Who really cares whether Wanda gets buried? Already off the beaten track, it has suffered, through modern highway and transportation, the fate so common of the small towns everywhere—gradual decline and eventual death. As a politician once pointed out, "When the need for the small town dies, so will that town."

Wanda hasn't had too much going for it for several years. It now has a lumberyard, a couple of bars, a grocery store, a service station-garage, an American Legion hall and a new and modern bank. It also has a large and modern cooperative elevator which serves about two and a half townships and 250 customers living in what is probably the richest farming area of the state. The elevator does about a million dollars a year in business and is a prime user of the C&NW line to Sanborn.

Not much when it's stacked against the likes of C&NW and a general indifference on the part of most people. It is true that at the opening day of the hearing this week, the brightest political lights in Minnesota were on hand to appear before a packed house which came more to see the not-often-seen-in-these-parts-politicians than to worry what is to become of Wanda.

There were politicians holding national offices—Sen. Walter Mondale and Rep. John Zwach—politicians holding state offices—Gov. Wendell Anderson, among a large contingent, and there were candidates seeking nominations for state and national office. All made impassioned speeches and when they were done duly made a tour of inspection of Wanda, the elevator and twisted, grass-grown tracks of the C&NW. Duty done, they flew off to Washington, the Twin Cities and other points to await another hearing, another chance to appear on behalf of their constituents.

Behind them they left, to fight the battle, a handful of farmers versus the cool and well-oiled machinery of a giant corporation.

"If the railroad would just put the money they use to push these abandonments into improving their lines, there wouldn't be any problem," said Harold Larson, president of the Farmers Cooperative elevator of Wanda.

"Just figure what they spend in travel, time and legal fees and most of the repairs needed on the Wanda line could be made. Then there wouldn't be any need of these hearings."

The railroad wasn't about to disclose to a reporter or a farmer how much they would spend on such a hearing. In fact they weren't about to disclose anything they didn't want to, but to this hearing they came well armed with figures to back their position. Their witnesses made no impassioned pleas for salvage from financial disaster. Instead they presented hard cold facts of income versus expense and backed such facts up with sheets and books of mathematical equations augmented by engineers with slide rules to prove that this branch of track isn't working.

What does it matter to the C&NW if Wanda or a dozen Wandas pass from existence. What does it matter that 250 farmers will have to pay anywhere from two to five cents a bushel more to get their grain to market via trucks. What does ecology really matter—the fact that it takes two semi-trailer trucks to haul what one rail car can haul. And, what does it matter that many of Minnesota's roads are closed in the Spring to loads such as a semi-truck would haul.

Two hundred and fifty people in a rural county in Minnesota are but drops in a very large bucket when it comes to a financial statement that must satisfy many times that number of stockholders. It matters not to such a corporation that the government gave them land equal to the size of the British Isles simply for bringing their railroads west. There was business for them then or they would never have laid a mile of track.

There is more business there today for since the end of the Great Depression farm production in this area has grown by leaps and bounds. In corn alone the 35 bushels an acre of the 30's has grown to 130 bushels an acre. Every market crop has shown a similar increase.

Thus it is hard for men who have learned to coax the ultimate out of the soil to see a railroad throw away the business. The logic is difficult to understand.

"They used to tell us there was no money in passenger rail travel," Bert Bellig, Sanborn retired farmer said, "but said freight was where the money was. We gave them freight. More than they could usually furnish rail cars for. Year after year the surplus of sugar beets and corn formed mountains on the ground outside the elevtators waiting for the railroad to get some cars to us. The business was there but they didn't know how to handle it and now cry that such a line such as the Wanda line is unprofitable. It looks more like deliberate neglect and poor business."

It's hard to see it otherwise.

The railroads, on the other hand, and in this case the C&NW would like to have regional collection spots for farm produce, served by a couple main line roads, and this may be the ultimate goal sought in such abandonments of small branch lines. To the roalroad and its ever present stockholders it also may be the answer they are seeking in a people-be-damned attitude.

Few will note and fewer care that Wanda can be left without rail transportation and without adequate highway transportation for this village is off the beaten track on roads that would cost many thousands of dollars to be upgraded to unlimited load restriction highway. The village is four miles from a major highway—U.S. 71—and its 150 population is a voice too weak to be heard in the halls of government.

But, this case may be the catalyst that will unite rural Minnesota. This may be the straw that breaks the back of patient people who have seen the voice of rural America and rural Minnesota become a hoarse whisper. There is a growing dissatisfaction in Minnesota countryside with government and politicians as is and they apply to the rural areas.

"We have become weakened through organization," said Herbert Bollum, Redwood Falls farmer. "It seems almost a deliberate plot to get as many farm organizations as possible operating among the farmers. Each has its own ideas and each tries to go its separate way. Divided as we are, we are bound to fail and fall. What we really need is one, and only one, unified voice of the farmer and then we would have the strength we need not only to be heard in the state capital but in Washington."

Speaker of the House Aubrey Dirlam, who hails from a Redwood county farm, charged that "grass will truly grow in the streets of rural villages and towns" if the railroads are allowed to continue a growing rash of abandonments of rail lines.

Half way decent repair would do a lot for the Wanda line. It doesn't take a railroad expert to see that this is far from a first-class line, and years of neglect have done little to make it better. The rails twist and turn and in sections have more kinks than a hog's tail. Grass not only grows alongside the track but between the rails and through the many rotting ties, some of which have been there for more than half a century.

This line, rail experts testified, does not get enough traffic to keep the weeds down; is built of too light rail to carry heavy loads; cannot carry a train at much more than four miles an hour, and has an un-drained, sod bed with little or no ballast.

Few could dispute these facts, but those concerned ask which came first—neglect of the railorad or lack of traffic. Facts tend to prove neglect came first for there is little doubt the potential for business is greater.

Why, if there is business for the begging do railroads seek abandonment—304 Minnesota communities will lose rail service by 1980 if the present trend continues—is a question asked again and again. Perhaps only those who direct such corporations as the C&NW know the real answer. Sen. Mondale, Rep. Zwach and Gov. Anderson all took swipes at both the railroads and the Interstate Commerce Commission which has allowed in almost every instance the petitions for abandonment. They charged that railroads which want to leave an area simply make the service so poor shippers cannot provide enough business to make the line profitable and it is abandoned.

"It is clear," Sen. Mondale said, "that at least some of (the railroad) conglomerates regard the railroad only as a tax loss; they ignore the fact their tax loss is a transportation company vital to the lives of many Americans."

Perhaps it was ordained when Wanda got its name that this event would occur for in 1901 when it was incorporated, the Chicago and Northwestern railway named it from a Chippewa word—Wanenda which in that Indian language means, "to forget."

DISCLOSURE BY SENATOR JACOB K. JAVITS, OF NEW YORK, OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the Senate Code of Ethics, I filed on May 15, 1972, with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate Rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the Rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly:

American & Foreign Securities Corp.
American Telephone and Telegraph.
American Water Works.
Cenco Scientific Institution.
Cities Service Corporation.
Coastal States Gas Prod. Co.
Criterion Insurance Co.
First Chicago Corp.
First National City Bank of New York.
Flying Tiger Corp.
Government Employees Financial Corp.
Government Employees Insurance Co.
Government Employees Life Insurance Co.
Kerr McGee.
Marion Laboratories.
South Carolina Electric & Gas Co.
Southern Co.
Transamerica Corp. of Delaware.
Telco Marketing Services.
White Shield Oil & Gas.

DEDICATION OF MARIE McGUIRE PLAZA

Mr. WILLIAMS. Mr. President, Oklahoma City has honored Mrs. Marie C. McGuire, one of our Nation's most respected experts in the field of housing for the elderly. On March 16, 1972, the Oklahoma City Housing Authority formally dedicated a new housing project for senior citizens. This project will be called the Marie McGuire Plaza.

Mrs. McGuire is truly one of the pioneers in the creation and development of apartment living that serves the specialized needs of our Nation's older citizens. Several years ago she was instrumental in the development of the Victoria Plaza Apartments in San Antonio, Tex., the first highrise in the country planned and designed specially for older Americans.

As Commissioner of the Public Housing Administration, and more recently as Deputy Assistant to the Secretary for Programs for the Elderly and Handicapped at the Department of Housing and Urban Development, Marie McGuire has continued to offer her expert understanding and her special brand of warmth to our growing national effort to provide a decent home and living environment for all elderly Americans.

Marie McGuire Plaza will be a fitting tribute to her many contributions to this field. This specially designed, 11-story building has 201 living units as well as ample community space for a conference and library room, clinic facilities, and an arts and crafts room. In addition, Marie McGuire Plaza will feature added safety features and emergency call systems in both the bathrooms and the bedrooms.

Mr. President, I have known Marie McGuire as a personal friend for several years, and I would like to say that I have only the highest admiration for her

efforts and her tireless leadership in the field of senior citizen housing. As the present chairman of the Subcommittee on Housing for the Elderly, for the Senate Special Committee on Aging, I know I am expressing the views of many people when I say that no one deserves this honor more than Marie.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Hon. George Romney, Secretary of the Department of Housing and Urban Development.

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

WASHINGTON, D.C.,
March 15, 1972.

J. B. HARRISON,
Chairman, Oklahoma City, Okla.:

It is a pleasure to extend congratulations to Oklahoma City and its housing authority on the dedication of housing for the elderly that will perpetuate Marie McGuire's name. She has devoted thirty years to the provision of housing for families of limited income and the elderly. She has set standards of excellence in design which make possible a rewarding environment for our older citizens. She fully merits this memorial to her efforts, and the Department of Housing and Urban Development and I personally appreciate its significance. Again, my congratulations on your accomplishments.

GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development.

INAUGURATION OF GENERALISSIMO CHIANG KAI-SHEK FOR HIS FIFTH TERM AS PRESIDENT OF THE REPUBLIC OF CHINA

Mr. THURMOND. Mr. President, Generalissimo Chiang Kai-shek will be inaugurated as President of China for his fifth term on May 20.

As we all know, the Republic of China had a very trying year in 1971. China was expelled from the United Nations despite the best efforts of our Government, and her position in the international community has become more difficult. Despite this setback, the people and government of the Republic of China met and survived adversity with restraint and dignity.

Free China has achieved an economic growth of 11.4 percent; and foreign investments, particularly those from the United States, have been on the increase. This dynamic economic prosperity and the respect and observance of the traditional Chinese way of life will certainly sustain the people of free China through the forthcoming years. I attribute these outstanding achievements not only to the hard-working efforts of the free Chinese people, but also to the brilliant leadership of President Chiang Kai-shek.

Mr. President, the Republic of China has been our stanchest ally during the past quarter of a century. I am pleased that President Nixon has designated John Eisenhower as his special envoy to attend the inauguration ceremony. Sending such a well-known and competent man will serve to reassure the people and government of the Republic of China of the continuous friendship and commitment of the United States.

I am sure that Senators will join me in extending to President Chiang Kai-shek our best wishes for good health and success as the leader of free China.

MINNESOTA JEWS AND SOVIET ARTS

Mr. MONDALE. Mr. President, in publishing a pamphlet to mark this month's exhibit of Soviet arts and crafts at the Minnesota Museum of Art in St. Paul, the Minnesota Committee for Soviet Jewry has chosen an unusual and effective means to protest the treatment of Jews in the U.S.S.R. Informative and reasonable, the pamphlet focuses on the exhibit to draw attention to the injustices inflicted by the Soviet Government on its Jewish citizens.

According to Marcia Yugend, chairman of the Minnesota committee, the effort reflects the committee's determination "to educate in a civilized, peaceful manner." At a time when hysteria and violence have become the familiar hallmarks of political protest, Mrs. Yugend's remarks take on special meaning for all of us.

In an editorial entitled "Minnesota Jews and Soviet Arts," the Minneapolis Tribune applauded the action of the Minnesota committee and quoted a portion of Mrs. Yugend's statement.

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:

MINNESOTA JEWS AND SOVIET ARTS

The message from Minnesota Jews is straightforward. "Welcome to the exhibit," say the words on the cover of a pamphlet that might be taken for an official guide to the splendid exhibit of arts and crafts from the Soviet Union at St. Paul's Minnesota Museum of Art this month. The rest of the message is equally straightforward, well-tempered, necessary and, in our view, conveyed in an admirable way.

For the Minnesota Committee for Soviet Jewry has chosen the occasion of the exhibit to protest the treatment of Jews in the Soviet Union. An important distinction is that the committee is not protesting the exhibit itself—the welcome is sincere—but alerting Minnesotans and, perhaps, a number of Russians to omissions and injustices.

The Twin Cities are honored to be one of six U.S. metropolitan areas in which this remarkable collection of ancient and contemporary Soviet artistic works is being shown. It's no stain on that honor to note omissions. In a collection so broadly representing the diverse cultures of the Soviet Union, it does seem unusual to find no mention or example of, say, Marc Chagall or other artists of Soviet Jewish origin.

Nor does it seem inappropriate for Minnesota Jews to use the exhibit as a focus for demonstrating concern about Jews in the Soviet Union. Art knows no international boundaries; political expression does. In this country there's nothing inconsistent about applauding an exhibit of art and at the same time criticizing on other grounds the government that organized the exhibit. Critics here need not resort to underground expressions of protests as do the writers of unpublished criticism, or samizdat, in the U.S.S.R.

Marcia Yugend, chairman of the Minnesota Committee for Soviet Jewry, calls the protest an attempt "to educate in a civilized, peaceful manner—not an attempt to revive the Cold War or anticommunism." Her organization has set a praiseworthy example of effective protest.

NEW YORKERS WIN PULITZER PRIZE

Mr. JAVITS. Mr. President, I wish to enter in the RECORD commendations of two New York journalists—reporters—John Machacek and Richard Cooper, both of the Rochester Times Union, who recently were awarded the Pulitzer Prize for general local reporting—fame gained for their complete and factual coverage of the Attica prison riots. Their task was at best arduous and their obstacles many. Yet with dedication and perseverance they overcame these obstacles and brought to the American people the truth of this incident. Their professionalism in the field of journalism well merits them this coveted honor. Indeed, they are a credit to all journalists in the Empire State, and serve as an example to the Nation's young and ambitious journalists.

INCLUSIVE TOUR CHARTERS

Mr. MOSS. Mr. President, several weeks ago I introduced legislation which eliminates the present restrictions on single-stop inclusive tour charters. The current regulations on these operations are very restrictive and virtually preclude their operation. Neither the airlines, the travel agents, the hotelkeepers, nor the traveling public benefits from the restrictive rules.

The one-stop inclusive tour charter could increase traffic volume for our airline industry, increase use of resorts and provide a method of low-cost vacation travel for the American people.

One-stop inclusive tour charters seem to be in the public interest. I ask unanimous consent to have printed in the RECORD a statement delivered by Shelby Southard, of the Cooperative League of the USA, and chairman, transportation committee, of the Consumer Federation of America, in support of S. 3513.

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

STATEMENT BY SHELBY SOUTHARD

I am very pleased to have this opportunity on short notice to testify in support of S-3513 because it holds out the possibility that millions of low- and moderate-income Americans may expand their holiday horizons. This they would do not just in terms of overseas vacations, but also by expanding the vacation travel industry within the United States and elsewhere in this hemisphere.

Introduction of the one-stop Inclusive Tour Charter could provide an economic boost for existing resort areas, help to create new ones, and provide a badly needed economic transfusion for our ailing airline industry.

These predictions on my part do not come out of any suddenly acquired expertise in economics. It is just that this is what seems to have happened in Europe, where almost 9 million northern Europeans will vacation in Mediterranean sunspots this year. This, quite simply is thanks to the availability of low-cost, single-center, packaged vacations. I see no reason to suppose that something of a similiar nature would not occur here—given the opportunity.

Of course, there is a difference in attitude.

The European packaged vacation is very clearly geared to the needs of the *average* consumer. It also reflects the views of the British government as expressed in the report of the U.K. Committee on Enquiry into Civil Air Transport, 1969, which says:

"One of the odd things about statements on civil air transport is that they very rarely talk about the customer in simple language. So let us say that in our view the primary long-term objective of a national policy toward commercial flying should be to see that each customer gets what he wants—not what somebody else thinks he ought to want—at the minimum economic price that can be contrived. Romantic, exciting, and important though the airline business may be, it is, in the last analysis, there to do the same job as butchers, bakers, and candlestick makers, i.e., to provide services for money. Many other objectives are talked about in connection with air transport, but we put this humdrum one right at the top. Moreover we believe that if any other objective conflicts with it, the onus of justification should fall on those who want to press that objective against the interests of the consumer."

With that special flair they have for using our common language, the English writers of this statement have said what I have long wanted to say about the realities of air travel.

It is high time we freed ourselves from the mystique of the subject and concerned ourselves with the bread and potato realities of what is possible in air travel. If we make the regulations realistic and consider the true needs of Americans, we can have a high revenue bulk air travel market like the one that has been developed in Europe.

S. 3513, by eliminating the present three-stop, minimum price provisions of the current Inclusive Tour Charter regulations, would be an important first step in the development of such a travel market.

As they learn about the situation in Europe, many Americans are beginning to ask questions about low-cost air travel in this country. Many are beginning to wonder why they do not have the same opportunities as European vacationers.

They are beginning to wonder, too, why chartering a plane has to be such a complicated business, even for an organization that meets all the qualifications required under the affinity regulations set by the Civil Aeronautics Board. As the Transportation Chairman of the Consumer Federation of America, I receive many letters from our member organizations concerning their problems with the existing affinity regulations. I would like to give you some examples of the major complaints I receive, and ask you to bear in mind that in many instances, the charter organizer is an unpaid volunteer—not a professional travel agent.

Eligibility requirements.—CAB regulations differ from IATA rules governing scheduled carrier charter activity. For example, CAB permits travel by a member's parents, provided they live in the same house; IATA does not.

Restriction on one-way charter passengers.—One member writes: "If we operate three charter flights a year we are allowed a five per cent movement of passengers from one charter flight to another. This is beneficial since it allows members who wish to stay over for a longer period to return on a later flight. However, if we operate four charter flights or more this suddenly becomes a sin. No one is allowed to travel one way. This is unconstitutional discrimination against certain chartering groups who meet all other requirements of eligibility. It accomplished only one thing: to restrict the development of chartering programs. It works against the interests of the consumer." No one suggests complete freedom in this area, but I believe that there is room for more flexibility than currently exists.

Unnecessary and excessive paperwork.—Almost everyone who writes to me is angry about this. One member wrote: "Present regulations require a tremendous amount of documentation, charter applications, supporting information, manifests, copies of every advertisement, date of membership, certification of membership. Obviously this information would be helpful in determining that a given organization is violating regulations and would lead to their conviction. The problem is that the CAB seems to assume that every organization is a violator and subjects them to this same time consuming barrage of paperwork. Some people are not entitled to hold a driver's license. But we do not require every citizen applying for one to submit his life history, document his financial worth, and submit notarized affidavits from references, attesting to his date of birth and so forth."

Restriction on split charters.—This limits the ability of small organizations to offer charter programs to their members, since not all groups can put together full planeloads of 160 to 250 members. More freedom in the area of split charters requiring 40 or more members, would permit many smaller chartering organizations to consolidate their efforts.

There is, of course, a difference between Affinity Charters and ITC's, but the principle is the same: in both cases it seems to me Americans are faced with restrictions that are unwarranted, unnecessary, and unfair.

I hesitate to tell the airlines how to run their business, but as a result of my experience in this field, I am convinced that bulk air transportation is the wave of the future for pleasure travel—both domestically, and in the international market. The sooner the airlines start preparing for this market, the faster it will develop. I should point out, however, that there are signs that they have already seen the handwriting on the wall—and that, despite their protestations, they are beginning to change. Some foreign carriers have created charter subsidiaries. Others—like Pan American and TWA—have been quietly increasing their own charter activities.

During the past four years, Pan American's charter traffic increased from 100,472 (in 1968), to 247,780 last year. TWA's charter traffic showed an even more dramatic jump—from 31,837 in 1968, to 151,612 last year.

As I say, perhaps they are getting the message.

In any event, it shows that they are not totally oblivious to the demands of the American consumer for low-cost charter travel. That's a good thing, Mr. Chairman, because I have a feeling that those demands will become more and more insistent as American consumers learn in detail about the European experience with low-cost package holidays.

I knew about the single-stop ITC's, of course, but I didn't really appreciate their full value until I had the opportunity just three weeks ago to attend the First World Congress on Air Transportation and Tourism in Madrid, and learn at first hand how they have affected the European travel market.

As spokesman for American consumers at the World Congress where I discussed "The Consumer Stake In Low-Cost Air Travel," I would like this Committee to consider two statements I have extracted from the report of our multi-national panel of consumer representatives.

One, we affirmed our belief in the existence of a large mass consumer market for air transport services which has not been fully developed by the suppliers. We stated that promotion of low fares on a rational basis as regards, for example, destination and geographical area would attract a far larger consumer demand for air travel than exists at present, bringing with it the economic advantage to the carriers of improved load factors.

Second, we stated that governments should play a more active part in removing regulations which discriminate between different types of air traveller. The Panel did not request public subsidies for the mass consumer market. In the Bill of Rights for Air Passengers adopted at the World Congress we specifically asked for "The availability for all people of charter or other low-cost air services which will attract a mass consumer demand and insure economic operation of airlines whether scheduled or charter."

Mr. Chairman, in closing I would like to state that we Americans have been fairly passive on this issue in the past, perhaps too much so. As we learn more about how we have been discriminated against, I am confident that consumers will become increasingly vocal in their demands for vacation opportunities similar to those available to European travelers.

Liberalizing ITC regulations is in the interest of the consumer. It is also in the interest of the carriers, both scheduled and supplemental. In my considered opinion, the question is not whether they are going to have these opportunities, but how soon.

U.S. ECONOMIC AND TRADE PROBLEMS

Mr. HANSEN. Mr. President, it is encouraging to note a chord of harmony between labor and management on such a vital issue as improvement of productivity.

The problem was highlighted last week at the 19th International Monetary Conference. U.S. representatives at the conference made it plain that the American objective is to change its present trade deficit into a big trade surplus.

Earlier the chairman of General Motors Corp. had urged in a speech to newspaper publishers in New York a nationwide effort to improve productivity. Richard C. Gerstenberg told the American Newspaper Publishers Association that the Nation's economic problems cannot be solved unless the productivity of American industry is increased at a faster pace. He said much of the burden for increasing output rests with management, although a large share of the blame for lagging productivity is labor's fault.

He urged the publishers to "help correct the widespread misunderstanding that higher productivty is synonymous with harder work, with 'speedups' and with labor exploitation."

He said:

Rather, as productivity goes up and as the economy prospers, employment also goes up, not down.

As though in answer, the president of the International Union of Operating Engineers was quoted in a Wall Street Journal editorial as agreeing with the chairman of General Motors.

Hunter Wharton, president of the union, indicated in his remarks at their convention in Washington that perhaps contractors were not always getting their money's worth when they hired union labor.

Mr. Wharton concluded:

Had productivity increased as wages began to rise, we wouldn't now be faced with some of our present day problems.

Our leaders can no longer demand and have standby labor on the job so as to create a job

for those who have no desire to work for their pay. Labor must rededicate itself to a pride in workmanship—a fair day's work for a fair day's pay.

In an open letter to George Meany which was published by the St. Louis Globe-Democrat, the chairman of the board of the Nooter Corp. told Meany that the laboring man has never "beat" inflation by increasing his wages unduly.

Mr. R. J. Ryan, who wrote the letter, said he had come up through the ranks of labor as a bricklayer and boilermaker. He cited recent spiraling wage increases which averaged 19 percent a year in the construction industry while overall productivity was increasing at an annual rate of 2.1 percent.

This fever of increases started what Mr. Ryan said is known in labor as the "catch-up."

Factory workers and others wanted "a piece" of the high settlements obtained by the construction trade and truck drivers. The race was on.

The settlement of the west coast dock workers at 20.6 percent for 1 year, which was lowered to 14.9 percent by the Pay Board, is recent history.

And while our annual productivity increase is 2.1 percent, the Japanese increase runs at 18 percent per year.

In related and timely testimony before the Joint Economic Committee last week, the president of the Nation-Wide Committee on Import-Export Policy emphasized the need for U.S. industry to become more productive, but also adaptation of U.S. trade policy to radically changed conditions.

Mr. O. R. Strackbein, long-time student of foreign trade, pointed out some of the dilemmas of increased productivity alone in competition with those who now use not only our technology and machinery in turning out the same products, but do so at far lower costs because of the continuing gap between United States and foreign wage rates.

Mr. Strackbein told the committee:

Our high productivity has been exported, so to speak, foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patients . . . others can now manufacture the same thing the industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

And therein lies the contradiction of U.S. trade policy.

As Mr. Strackbein says:

If we insist on confronting our problem with a hypnotic chant citing our superior "know-how," hand in hand with a worshipful attitude toward increasing productivity, and nostalgic attachment to free trade while refusing to accept the meaning of the cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.

It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

Mr. President, it is indeed reassuring that certain segments of both labor and management have recognized the necessity of increased productivity and an end to self-defeating pay boosts.

But these, alone, will not solve our economic and trade problems. The United States suffered a trade deficit of more than $2 billion last year. For the first 3 months of this year, the deficit was $1.5 billion, the largest in its history.

Mr. President, I recommend Mr. Strackbein's testimony before the Joint Economic Committee to the Senate as a most thoughtful and expert analysis and assessment of U.S. trade policy—and what is wrong with it.

I ask unanimous consent that his statement be printed in the RECORD.

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

PRODUCTIVITY AND FULL EMPLOYMENT

(Statement of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

Increasing the productivity of labor is seemingly one of the present-day imperatives if we are to douse the fires of inflation and meet foreign competition. Greater output per man-hour at a given level of wages will, of course, reduce the cost of production. The forces of competition, to the extent that they operate, will then also reduce the cost to the consumer. If wages rise less than productivity the consumer will enjoy lower prices. If the wage level rises in equal proportion to productivity prices will stand still, other things being equal. Of course, if wages rise faster than productivity prices would be expected under normal conditions of supply, to rise. At least, so goes the catechism of economics.

The imperative of increasing productivity has been raised almost to the majesty of the absolute.

It is desirable therefore to examine some of the credentials of this towering imperative. While its very simplicity makes it attractive, the side effects it may produce may detract from any inclination to extend blank endorsement to the mandate.

CREDENTIALS OF HIGHER PRODUCTIVITY

In the first place, productivity can be increased in any meaningful sense only by displacement of labor. This follows from the fact that some 80% of the corporate production costs consists of employee compensation. It was not the faster shoveling of coal by the coal miners that so greatly increased the output per man-hour in the coal industry. It was the introduction of mammoth machines and strip-mining that accomplished the decimation of the miners' ranks. The result was a great gain in competition standing, not only in opening foreign markets but in avoiding eviction of coal from our domestic market by petroleum and natural gas.

The output of coal per man-year increased from 1,239 tons in 1950 to 4,261 tons in 1968. The number of coal miners on the other hand, as might be expected, declined from 415,000 in 1950 to 127,000 in 1968. (Statistical Abstract of the United States, 1971, Table 1049, p. 642). In other words as productivity rose 3.4-fold between 1950 and 1968, the number of miners declined in almost equal proportion, or by 70%, or to a level of 30% of the 415,000 employed in 1950.

One of the results was, of course, the great distress of the coal-mining region, usually referred to euphemistically as "Appalachia", which has cost the Treasury hundred of millions of dollars without curing the blight. Meantime our exports rose to 50 million tons, or 10% of our domestic output. Obviously our amazing productivity achievement that brought us gratifying exports and competitive prowess did little to help the displaced mine workers—some 300,000 of them or 70% of the work force! Since the number of bituminous coal miners (responsible for over 98% of our coal production) has fallen to 127,000 by 1968, the 10% exports saved the jobs of some 12,000 miners. Such a meager result should give pause to those who would raise increasing productivity to the level of a virtual categorical imperative, to be loved, honored and obeyed.

In the field of economic hard facts armed with a warhead of real meaning are not often encountered. When we do encounter them we should be grateful and learn something from their significance, rather than dismissing them because they raised disconcerting questions.

For example, higher productivity in other fields need not be looked to much more hopefully as a source of higher employment than coal *under the present status of world trade and our position in it.*

The further notion that we can pull ourselves out of our present unenviable economic position either at home or abroad by increasing our exports, an endeavor that is seen to rest on rising productivity, is almost totally false. This is especially true of increasing exports of agricultural products made possible by rising output per man-hour. In the 1930's nearly half of our total exports were agricultural products. After the permanent displacement of some two-thirds of agricultural workers by greater productivity our exports of farm products were only some 16% of total exports.

It goes without saying that for the coal mining industry the productivity leap was unquestionably an imperative, indeed the only means of survival; but its cost in employment prevents its conversion into a justification for a similar course to be adopted by other industries.

THE HISTORIC ROLE OF INCREASING PRODUCTIVITY

It is true, on the other hand, that rising productivity has been both the source of greater employment and higher wages in this country. In fact what was our unique economic system until a few years ago owed its genesis in great measure to the rising productivity that flows from invention and proliferating technology.

The fruits of technology, to be sure, were not enough of themselves to build our system, but they represented one of the cornerstones. Without them we would not have cut our anchorage that held us to the more pedestrian European system some seventy years ago. Technology by itself was not enough because the mass-production of which it was the efficient cause did not and cannot stand on its own feet. It needs the complement of mass-consumption; and this fact, a strictly American perception, though in no sense abstruse, long evaded comprenhension by our European forebears. Their skepticism, as reflected by the British was no doubt sustained many years by the negative attitude of their leading economists, such as Ricardo, toward wages and their economic function. The British economists were in a sense apologists for the factory system that revulsed Dickens and Burke before him, and others, who were appalled at the employment of children and the inhuman working conditions imposed on factory workers and miners in general.

ORIGIN OF FREE TRADE

English leadership in the world rested on her commerce, protected by her navy. Since she was short on natural resources she depended on imports of raw products to feed

her factories. These in turn not only supplied the home market but also produced surplus output for export. The latter brought her the exchange necessary to sustain her necessary imports.

The English situation indeed gave rise to the elaboration of the blessings and benefits of free trade—a system that was well suited to England's interest in holding her colonies as sources of raw materials (i.e., as agrarian and raw material economies) and as markets for her factory output. Our own academic economists drank deeply of the Adam Smith vintage of free trade and, failing to note the great difference between our economic situation and that of the British, undertook to apply to us what was good for England but not necessarily for us. They took the words of the British economic apologists as the gospel and using our chairs of university economics preached the gospel of free trade to generation after generation of students. The result was an intellectual and emotional conditioning of our economists that has not yet achieved the ability to break through to reality. What was good for colonial England in the 18th and 19th centuries was fastened on us as if it were also a superb prescription for our economic health. Actually we flouted the theory in great part in practice and erected a protective tariff, beginning in 1816. This action made possible our economic independence of England, as we had earlier gained our political independence.

However, it was not until after the Civil War that we began to lay the basis for a new system (still capitalistic, to be sure) that greatly modified our economic heritage. The point of departure was not immediately visible but in time produced a divergence of great proportions.

Once the post-Civil War heavy concentrations of capital built trusts and virtual monopolies we began to see the need for anti-trust legislation if the lowered costs of production that were made possible by our mechanical developments were to be passed on to the public, i.e., the consumers. 1890 marked the passage of the Sherman Anti-Trust Act. This was followed in some 25 years later by the Clayton Act, the Federal Trade Commission and Federal Reserve Acts. After another 20 years we put the Robinson-Patman Act on our statute books: another anti-monopoly measure.

After the turn of the century we turned more and more to the mass production made possible by our inventiveness and industrial talent. Then came the redeeming recognition of the link between mass-production and mass-consumption. By itself mass production would only accumulate indigestible surpluses of goods. It was necessary to place higher purchasing power into the hands of the consumers.

Very well, who were the principal consumers? Potentially they were those who in the aggregate have the most money to spend, rather than the few who receive the highest incomes.

In 1969 the number of males employed in this country was 48.8 million while the number of employed females was 29.0 million. The average pay of the males was $7,659 and of females $3,958. Here then was a potential consumer market of $370 billion among the employed males and $114 billion among the employed females, for a total potential market of $488 billion. Had the per capita income been only $1000 per year instead of the higher figure, the potential market, assuming the same price level, would have been very much smaller, or about $79 billion instead of $488 billion. Yet such a low level of income would still have exceeded by far the average per capita income of the Chinese (mainland) population of some 750 million and that of the Indian population of some 550 million, not to mention the great majority of the 265 million (plus) of Latin American population.

U.S. DEVELOPMENT

This country was not noted as being in the forefront of wage levels until the twentieth century; nor was it noted as an industrial nation, except perhaps as being on the threshold of new departures.

Given our mechanical, technological and managerial talent it nevertheless did not follow that we would know what to do with it. We had no greater endowment in those fields than the Europeans from whom we sprang. We did have greater distances staring us in the face; and it may be guessed that, much as the automobile is being castigated today as the mother of many of our ills, the need for farther and more agile locomotion, to tame our distances, may have motivated and sparked the mass-production outbreak to which we gave ourselves in the early years of this century when we tinkered with the automobile. In any event there can be little question that the connection between mass-production and mass-consumption was grasped by the great entrepreneur of that industry who put it into actual effect before it was recognized and implemented elsewhere.

It needed vision, obvious as the equation is today, to perceive the great market possibilities that would open if the cost of a highly useful and enjoyable product could be brought to a level low enough to come within the pocketbook reach of the mass of the people. It needed not quite so much sharpness perhaps to see further that achievement of the objective could be helped if the income of these masses could rise and thus meet the lowering cost half way.

Monopoly power would perhaps have led the automobile makers to concentrate on the upper levels of income. If we would gain an idea of the difference between the two approaches, i.e., a limited high-income market and a mass market, we must move to recent dates because of the state of availability of statistical data.

In *1962* the number of "Top Wealthholders" in this country, i.e. those with gross assets of $60,000 or more, was 4.13 million of a population of over 180 million. Of these 4.13 million over half had gross assets under $100,000. Those with gross assets of $200,000 or more numbered 670,000 and those with assets of $1 million or more numbered 59 thousand. This was one person out of 3,000 of the 1962 population. (Ibid., 1971, Table 523, p. 327).

If we turn to actual income as distinguished from gross assets we come to a different but nonetheless very useful measure so far as market potentials go.

In *1969* the median income of males aged 14 and over was $6,429. For females the median was $2,132. Of the men 92.5% had an income; and 65.8% of the females.

The males with an income of $10,000 and over were 24.1% of the total; females 2.4%. Males with an income of $7–9,999 were 21.6% of the total; females 5.9%. The next lower bracket of $6–6,999 showed 7.6% of the males and 4.8% of the females. From $5–5,999, the percentages were 7.0% for males and 6.9% for females. (Ibid., Table 509, p. 320.)

A yacht manufacturer might aim at the market represented by the 670,000 who had gross assets of $200,000 or more.

The earlier automobile manufacturers no doubt also aimed at the higher but sparsely populated high income levels, because of the high unit cost of their product. Monopoly power might have elected to stay at that level, preferring a small volume with a high profit per unit.

That was not, however, what happened. Henry Ford is usually credited with the breakthrough. He had no Census Bureau statistics to show him the various layers of income of the people, but he could guess that he would have a much larger market if he could bring down his costs to a level that would tap the mass market. This he did, thanks to his vision, his courage and productive genius. He also recognized the market-boosting effect of adequate wages.

He did have some conditions weighted in his favor, such as a toil-willing population, free enterprise, a national patent system, free trade among the States, low tax levels, no import competition distorting his timing options, and skilled labor. There was adequate competition, but, in view of his glimpse of the potentials of a mass market it is doubtful that he would have traded his vision for a more limited but high-price market.

The advent of the automobile, of course, boded ill for the wagon and carriage industry, not to mention horse breeding and growing of feed grain.

There was a fruitful lesson still to be learned. This lurked in the meaning of an *elastic* demand. Not all products enjoy the species of growing demand that greeted the cost reductions accomplished by the automobile industry. Had Henry Ford been a wheat or corn farmer he would have faced a wholly different market prospect. The reason is simple and obvious. Every person has only one stomach. Therefore biology sets a limit to consumption. This is true also of domesticated animals that may consume grains.

Had Mr. Ford come into possession of millions of acres of crop land so that he could have devoted his mechanical talents to mass production and sharp reduction in the price of wheat or corn per bushel, he would not have been greeted by a happily expansive market. The demand for food products is quite *inelastic*. While everyone has a stomach not everyone had an automobile. While everyone needed a stomach in order to live he did not need an automobile but could perhaps use one if he could afford the cost and expense of having one. He could even own more than one machine, if it came to that. A second or even an auxiliary stomach is perhaps not yet even on the drawing boards, much as gourmets might like an extra one.

Mr. Ford might have succeeded in reducing the number of manhours to produce wheat but this achievement would not have increased the number of stomachs that might be fed. The planters and harvesters whom he would have displaced would not have been rehired because of a ballooning of demand such as greeted his automobile. In the latter instance the increased demand led to the hiring of more and more workers. The distressed carriage and wagon makers and horse and fed grain producers would become absorbed in the work force, albeit not directly or overnight. If there were other products to follow the example of the automobile, the labor market would take up the slack instead of settling into stagnation.

Mr. Ford's wheat would have accumulated huge surpluses in search of storage space. Presumably he might have sought export markets and might indeed have found some. Even so he would not have encountered an indefinitely expansible demand beyond the head-count of the population here or abroad.

The national experience with agricultural labor in this country under the farm program completely supports these observations. The six or seven millions of farm workers who have been displaced by modern agriculture in this country and the phenomenal increase in productivity of our farming operations, have not found resettlement and reemployment on the land. Inelasticity of demand for food products, which account for more than three quarters of our farm acreage, is the bar absolute against achievement of the employment expansion characteristic of new or radically modified nonessential products produced by industry.

Rising productivity in the production of *essential* goods, be they agricultural or mineral, represents a countervailing force working against full employment. When we re-

leased agricultural workers from the land because of rising productivity they could no longer remain on the land. They poured into the cities. The higher productivity of farmers did not lead to significantly higher consumption of farm products. Therefore the displaced workers remained displaced. They could hope to find reemployment only in the industries or services that catered to an *elastic* demand. While the number of products for which the demand is elastic is very large absorption of displaced workers is a slow process. Witness Appalachia. With respect to nonessential goods the only limit to demand is income, assuming wage increases in keeping with the higher productivity. (Today, to be sure, other limitations are raising rather ugly heads in the form of resource exhaustion, pollution, etc.)

We have obviously not lacked rising employee compensation in recent years. We have, however, encountered a different obstacle to absorption of the work force. Time was, until recently, when we could depend on new products or revolutionized methods of producing established products, to lead to additional sales as costs were brought down, as witness radio, television (for a time), household appliances of a great variety, synthetic textiles, etc. This meant new job openings sufficient to absorb the net additions to our work force which are now well in excess of a million per year.

Now, however, even though costs can still be reduced by mechanical and other innovations, the incentive is no longer what it was. We can no longer rely on our domestic market to supply the customers for made-in-U.S.A. products as we could in the past.

Our high productivity has been exported, so to speak. Foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patents.

A budding young Henry Ford today, looking about himself, would see a vastly changed world-setting from the one of Henry Ford two generations ago. The latter had all the time he needed to develop and improve his product. Every substantial improvement in production meant more sales as he cut his costs. If anyone contested his market, his competitor, whoever he might be, operated under the same wage levels as himself, or not so far below that Mr. Ford could not cope with the difference within the amount of time he had available.

He (the elder Ford) was not likely to awaken one day as does his young successor in some other industry, to be confronted by a chilling challenge from abroad where some entrepreneur, either American or foreign, offers for the American market an acceptable competitive product, as good as his own, or better, at a cost so much lower than he could match that he must look beyond this country for additional sales territory. Unlike his young successor the elder Ford had no import competition, and needed none to stir him into a maximum effort.

His young counterpart would now be in much the same straits with his marketing as the elder Ford would have been with his wheat surplus had he gone into vast wheat acreage as previously pictured. While the young Ford's sales of nonfood products would not be limited by the one-stomach per person as it would be with wheat, it would be limited nevertheless by the import intrusion that would despoil his market, upset his planning and his timing no less than darken his prospects for serving an expanding market. The imports would do what the inelastic demand does for wheat.

He would now look abroad for an increasing part of his expansion. The higher employment that would have happened here under the old condition would now be shared with his foreign plants and with other foreign producers.

The cry for greater efficiency is now an ironic mockery as it reverberates through the manufacturing community, be it automobile, steel or textiles, electronics, office machines or a hundred varieties of other consumer goods. Others can now manufacture the same thing the American industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy, or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

The competitive margin needed for holding our home market or expanding it for our own products, has been greatly narrowed and in a number of instances has disappeared. The market for the nonessential product, which is the mainstay of our employment, has been converted increasingly into the relatively static characteristic of the essential product so far as job-generation is concerned—for the reason already given.

When rising imports strike the market for an essential product like wheat, meat or other food product, they may take away a certain share of the market and thus deprive the growers of that much acreage output. They must then curtail their acreage or run the risk of creating a price-depressing surplus.

Yet the effect is not as serious as the invasion of our market for nonessentials of the kind that enjoy an expanding market as the costs are reduced, the product improved made more useful, pleasurable and more attractive. When the imports cut off the potential expansion or cut the expansion down to merely supplying the increase in population, our coefficient or ratio of expansion is destroyed or severely crippled and the nonessential product is converted into the same pedestrian pace as the nonessential one in point of job creation.

Capital will not come forth readily or eagerly to be poured into research and development, consumer research, market cultivation, plant expansion and similar activities. Rather a cautious atmosphere will prevail. Venture capital aimed at production of nonessentials is notoriously timid for the simple reason that the consumer can for a variety of reasons curtail his spending, postpone his buying or reduce his consumption. If possible the venture capital will hedge by going overseas to participate in the low labor-cost advantage that confers the competitive margin on foreign producers by dint of which they have penetrated our market.

Established industries will undertake foreign manufacture to supply foreign markets from within. They will in many cases equip their foreign plants with American machinery and equipment and thus boost exports of these products. In 1971 our exports of machinery continued to run a strong surplus while nearly all other manufactured goods sustained heavy trade deficits. The indication is that foreign productivity will continue to rise as our export of machinery continues at a high level.

However, this may be a short road, since our imports of machinery have grown much more rapidly in the past ten years than our exports. The recipient countries of our exports are fast learning how to build their own machinery and to gain world markets for their exports.

If we insist on confronting our problem with a hypnotic chant citing our superior "know-how", hand in hand with a worshipful attitude toward increasing productivity, and a nostalgic attachment to free trade while refusing to accept the meaning of cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.

It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

SENATOR HARTKE COMMENTS ON STEEL AGREEMENT

Mr. HARTKE. Mr. President, last year, after my visit to Japan, I felt sure that some kind of satisfactory arrangement could be worked out between foreign steel suppliers and the United States. All we needed was an administration or a Congress willing to put some muscle in our trade policies.

Following the formula included in my "Steel Trade Act of 1971, and the basic thrust of my Foreign Trade and Investment Act of 1972, the administration has just concluded an arrangement with Japanese and European steel producers that will cover about 85 percent of our steel imports.

I will be the first to say that there are things in this arrangement that I like. Specialty steel receives protection for the first time, as do certain finished steel products. Following the Hartke-Burke approach, the administration apparently asked for and got agreement that within each broad classification of specialty steel the exporter would "not significantly depart from the product mix of exports over recent years." In further imitation of the Hartke-Burke approach, foreign steel exporters have agreed to limit the future growth of exports to 2½ percent a year—roughly the rate of growth foreseen for domestic production.

What strikes home with double irony is that after so much administration talk about how quotas will invoke retaliation, negotiations between interested parties and the U.S. Government led to a trade arrangement. Like so much of the administration talk on trade, it has been long on rhetoric and short on reality. This is just the type of negotiation envisioned by my Foreign Trade and Investment Act.

But the American people must be made aware that one arrangement does not solve a desperate trade crisis. This past quarter, our trade deficit was 1.5 billion dollars—that presages a deficit of 6 billion dollars for 1972. Hundreds of thousands of American jobs and whole industries have been lost to imports. Capital needed at home to provide new jobs for a growing work force has flooded overseas where American runaway firms often produce for the American market.

We must move now to enact trade legislation that will meet the giant trading blocks and foreign cartels that are swamping traditional American markets. Without prompt, comprehensive trade legislation, the United States is on the way to becoming a second-rate trading power.

FEDERAL REGULATION OF PRIVATE PENSIONS—WHAT IS REALLY NEEDED

Mr. JAVITS. Mr. President, on Monday, May 8, I testified before the House Ways and Means Committee in its hear-

ings on H.R. 12272, the administration's pension reform bill.

As I am the author of the comprehensive pension reform bill pending in the Senate, S. 2, as well as the coauthor of the recently introduced Williams-Javits pension reform bill, S. 3598, my views on the bill pending in the other body may be of interest.

Accordingly, I ask unanimous consent that the testimony be printed in the RECORD.

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

FEDERAL REGULATION OF PRIVATE PENSIONS: WHAT IS REALLY NEEDED

I. INTRODUCTION

An illusory pension "promise" is often worse than no promise at all because, by the time the older worker discovers he will get no pension from the plan on which he relied, it is often too late to look elsewhere for pension security.

At that point, he is condemned to aging without adequate income, leisure without adequate resources, retirement without adequate dignity, and often resulting bitterness.

Yet such illusory pension promises are all too common—more the rule than the exception—and it is that fact which *requires* legislative correction, and a legislative remedy.

The remedy, however, must be real and not illusory; for if our remedy turns out to be as illusory as the pension promises we seek to regulate, we will only have compounded the disappointment and disillusionment which has generated the current concentration of Congressional interest in the private pension system.

Five years ago I introduced the first comprehensive pension reform bill in the Senate (S. 1103, introduced February 28, 1967, in the 90th Congress), and that bill, in slightly revised form, has been reintroduced in this Congress as S. 2. A number of similar or identical measures have been introduced in the House this year, including H.R. 3832, which has been referred to this Committee. This hearing is limited, of course, to tax legislation affecting pension funds, but as taxation in this field is often the decisive influence on the substantive provisions, the experience which the Senate Labor and Public Welfare Committee, of which I am the ranking minority member, has had in its current exhaustive investigation of the problems of private pension plans including the consideration of my bill, S. 2, becomes very relevant to the tax proposals before this Committee.

In that connection, Mr. Chairman, I ask that there be inserted in the record of this hearing, at the close of my remarks, a copy of S. 2, as well as extracts from the Interim Report of the Senate Labor Subcommittee issued February 22, 1972 (S. Rept. No. 92-634). You will observe, Mr. Chairman, that the six principal legislative recommendations of the Senate Labor Subcommittee, appearing on page 113 of that Report, are:

"1. A federal law establishing minimum standards of vesting.

"2. A federal law establishing systematic requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.

"3. A uniform standard of fiduciary responsibility.

"4. A federal law requiring improved disclosure and communication of plan provisions to workers to be accomplished in part by the revision of existing disclosure requirements to more effectively secure this objective.

"5. The institution under federal guidelines of a program to develop portability and reciprocity among private pension plans.

"6. The centralization in one agency of all existing as well as prospective regulation of private pension plans, to the maximum extent feasible."

Those were the guidelines I used in 1967 to draft my own bill. They are the guidelines which the Senate Labor and Public Welfare Committee has now adopted in approaching this subject matter, and these are the guidelines I will follow in my own evaluation of the tax proposals about which I am testifying today.

II. THE ADMINISTRATION BILL (H.R. 12272)

I notice that the Chairman, in introducing H.R. 12272, said that he was introducing it in order to give it the wide circulation which it deserved, but that "his introduction of the bill did not necessarily indicate his agreement with all provisions of the bill" (Press Release dated December 14, 1971). I took that very same approach when, on December 14, 1971, I introduced, at the Administration's request, a companion measure (S. 3024) dealing with fiduciary standards for pension trustees.

The Administration has thereby given us the results of its deliberations in this field, and has added greatly to the pension dialogue. But the specifics of the Administration bill needs careful examination by the Congress, and, in my judgment, very substantial revision.

A. *H.R. 12272: What the Bill Does:*

The Administration bill does the following things:

1. It would require (section 2) that each pension plan, *as a condition of tax qualification*, grant vesting under the so-called "Rule of 50". That is, when a worker's age and length of service under the plan (with certain exceptions) add up to 50, the worker gets *half* of his pension rights vested, and the remaining half must vest over the succeeding 5 years.

2. It would allow (section 3) individuals, including employees of corporate employers, to contribute up to $1500 per year to individual retirement accounts or employer-sponsored plans, and to receive a tax deduction for such contributions (which would not be permissible under existing law). The plans receiving such contributions would also be treated as exempt from tax on the plans' own income (as is the case with plans qualifying under existing law).

3. It would expand (section 4) the deductible contributions permitted to be made on behalf of self-employed individuals to plans established under H.R. 10 (so-called "Keogh" plans) from the current limit of $2500 per year up to a proposed maximum of $7500 per year.

4. It would require *early* vesting only in one very limited class of cases: pension plans benefitting self-employed persons (in this case, the "Rule of 35" would be required, instead of the "Rule of 50").

B. *What the Bill Does Not Require:*

1. *It makes no requirement as to funding of pension plans.* The employer must set up his plan in such a way as to "promise" nonforfeitability under the rule of 50; but there is no requirement that the pension fund actually have assets sufficient to pay the benefits which are promised, except to the limited extent that funding is required under regulations based on existing law. Those regulations require only payment of "current service costs" plus interest on the unfunded deficit—but the deficit itself need never be liquidated.

2. *It makes no provision for reinsurance.* Despite ample evidence in repeated hearings on the subject over a number of years—all to the effect that the collapse of a pension plan is an economic disaster for its members and retirees, and often for a whole community—no provision is contained in the bill to give pensioners the same security which we have, since the depression, insisted on giving bank depositers under the aegis of F.D.I.C. Of all the provisions ever suggested in the area of pension reform, Mr. Chairman, I have received more mail, and more compelling arguments, in support of this provision than any other. To overlook it is to overlook the very core of the difficulty. Without reinsurance, these heartbreaking disasters, first noticed so widely in the tragic Studebaker collapse 10 years ago, will continue.

3. *The "Rule of 50" is the least desirable of vesting standards.* This rule, which no doubt is some improvement over no vesting at all (present law), really delivers very little—and carries age discrimination with it. A 50-year-old job applicant would vest almost immediately (even if the plan adopted the 3-year waiting period permitted by section 2(a), and the proposed amended version of section 401(a)(12)(A)(ii) of the Code). Yet a 20-year-old job applicant would not vest for 15 years—a substantial incentive not to hire the 50-year-old but to hire the 20-year-old instead. Fifty-year-olds already have enough difficulty finding new employment; why make things worse for them?

Further, this rule tends to put *all* the burden of providing full pension benefits on the last employer, by making it most unlikely that an employee would ever vest anything under the pension plans of employers during his early years of employment. Early vesting, on the other hand (that is to say, early and *"age-neutral"* vesting) would generate *several pensions* for mobile employees: several *small* pensions, no doubt, but when combined at retirement age, that could be enough, and it would take the burden off the *last employer* of providing complete pension benefits after only a short period of work.

It was for that reason that I proposed in my own bill the requirement of "deferred graded vesting"—10 per cent after 6 years, and 10 per cent more each year thereafter until full vesting after 15 years. This graded system has the further advantage of avoiding the inevitable situation where a worker is laid off, or becomes disabled, or changes jobs just a few days before he vests, because, under this system, a worker may "just miss" something, but what he misses is just a little bit more than what he just received. That, in my judgment is a much fairer vesting system, and this Committee ought to give it most serious consideration rather than the "Rule of 50".

4. *The Administration bill provides no Enforcement of Private Pension Rights.* Perhaps one of the most fundamental defects in the approach taken in H.R. 12272 is that it proceeds only by way of tax qualification. The bill says that, *in order to gain certain tax benefits*, there must be a Rule of 50. But if the plan or the employer is willing to forgo those tax benefits, the rule does not apply. And if in practice the rule of 50 is violated, how does the employee recover his "rights"? Will the Treasury sue the employer to make the employer pay those benefits? Certainly not, and the Treasury would have no jurisdiction under this bill or any existing law to bring such a suit. Could the employee sue *under this bill?* Again, the answer is no, because no *private* rights are created by it. So the employee is left to a common law action, under *State* law (whatever that may be in each individual case), to recover benefits. And in point of fact, *most* such lawsuits are unfeasible in the absence of enforcement by a regulatory agency, because the lawsuit (that is to say, the legal fee) would be more costly than the amount of recovery (the discounted value of one pension)—unless either a union is financing the lawsuit at substantial cost to itself, or there is a class action. In sum, tax regulation is most useful as an

incentive for certain kinds of expenditures and contributions, but tax regulation in this field, *alone*, is simply insufficient to guarantee employee rights.

Tax regulation, moreover, has shown itself in this field to be somewhat less than efficient, even under existing law. For example, only last Monday the Senate Labor Subcommittee held a hearing in St. Louis to investigate the shutdown of plant and the termination of a pension plan in which 150 *vested* employees lost all their benefits because a plan was unfunded. The hearing record disclosed that, during the last few years of the plan, the employer neglected even to contribute current service costs to the plan—much less to amortize unfunded liabilities. Was the plan disqualified by the IRS? Hardly, for it is doubtful that the IRS would even have noticed funding deficiency, as *no deductions were claimed* because of the absence of contributions! My point here, Mr. Chairman, is that the IRS system of pension regulation has a single "handle"—the tax deduction, claimed in a tax return. If there are insufficient contributions, and low deductions, is the IRS (essentially a tax-collecting agency) likely to complain? I hardly think so, and experience bears this out. And will an employee complain to the IRS? Even that is unlikely, because, if the complaint is sustained, the only remedy the IRS has is to *disqualify the plan*, which results in even *less* money in the fund!

I certainly do not mean to suggest that tax qualification is unwise or unnecessary. On the contrary, it is an essential component of the tax incentives which have been central to the development of the whole private pension system. *But tax qualification alone is not enough.* If we are prepared to legislate minimum standards, and make these standards real and enforceable, we cannot leave out affirmative requirements, directly enforceable at law.

5. *There is no basis for unequal limits on contributions by corporate and self-employed workers.* H.R. 12272 would expand tax-deductible contributions by self-employed workers from the present $2500 per year to a limit of $7500 per year, but the bill would limit tax deductible contributions by corporate employees (not now deductible at all) to a maximum of only $1500 for a single person—and even that would be reduced to some extent if the employer made contributions to the plan in the employee's behalf.

In my judgment, there is simply no basis for discriminating between corporate employees and the self-employed when it comes to retirement. The limits should be liberalized, they should be *equal*, and the individual employee's contribution-limit should not be lowered because of the employer's contributions—*particularly* when there is such weak vesting required with respect to the *employer's* contributions, while the employee's own contributions are ordinarily vested from the outset.

III. CONCLUSION

Mr. Chairman, these hearings open a very important door, but there is much more behind that door than the Rule of 50, or limited tax deductions for corporate employees.

The whole system of private pension plans needs very fundamental reform—*early* vesting, funding standards, reinsurance, a central "portability" clearing house, fiduciary standards and an agency to enforce these requirements affirmatively, when the individual lacks the resources to bring his own action in the courts.

Even in the tax incentive area, I believe we need to do more than H.R. 12272. We need tax incentives for multi-employer plans, which are most helpful in dealing with labor-mobility problems. We need to learn something from the success of the college teachers' retirement system—"TIAA-CREF"—which would be a real model for private industry but for the fact that the Code and Tax Regulations do not permit that system except in non-profit and public employment. We need to permit tax deductions for so-called "salary reduction plans", under which an employee is permitted to forgo a certain percentage of his salary and let that money go into a retirement plan which is fully and immediately vested—without being charged with "constructive receipt" of the contributions and immediate taxation of that amount. As you know, Mr. Chairman, this salary-reduction system now operates under extremely severe limits which make it just about unusable except in non-profit activities.

There is so much need, Mr. Chairman, that I urge this Committee to take a much broader approach than H.R. 12272. The great bulk of American workers have become increasingly aware about private pension plans in recent months: a plan which provides vesting only in the older years, and permits loss of more than 10 years of credits earned in early years, which requires no funding at all, which provides no reinsurance against plan collapse, which provides no affirmative enforcement except by way of tax disqualification, and which gives no substantial tax benefits to corporate employees, and only slightly greater benefits to self-employed workers, *simply will not satisfy anyone.* The older workers—who have been disappointed so many times, will be disappointed again. And the younger and middle-aged workers, who have moved from plan to plan without vesting, and who have vested in plans which had no funds to pay the benefits, will be disappointed again.

There has been *enough* disappointment in this field. H.R. 12272 is an effort but we need a landmark reform in the pension field.

ENGINEERS AND THE FUTURE

Mr. MOSS. Mr. President, in discussing the future of the engineering profession at a seminar assembly at Brigham Young University in Provo, Utah, recently, Dr. Ellis L. Armstrong, Commissioner of the U.S. Bureau of Reclamation, offered some sound commonsense advice about man and his environment. He said:

Much that has been done is good, but we must constantly seek new solutions to problems of growth and indeed to those difficulties man has brought on himself simply by being here and seeking a constantly higher standard of living.

He told the engineering students:

In fact, we must build a second America. * * * The challenge is to determine how the works of man and the elements of nature can best be fused and blended for the betterment of the whole civilization.

Dr. Armstrong deplored the continual efforts of some of our citizens to emphasize the "negative aspects" of our world and not to "think things through."

Whether we like it or not we must take things as they are, keeping in mind things as they were and things as they may become. We must fit them into a proper perspective without undue influence from the "instant environmentalists" and similar "instant experts" who build irrational blockades which pose grave threats to man's future.

Dr. Armstrong emphasized also that man's progress is tied to water, and that any stable society has to start with fundamentals based on land and adequate water in proper sequence and control.

His speech recognizes fully the environmental problems the world faces, but it is full of hope and promise for our future—and the assurance that we can and will achieve a "good life for everyone." I commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

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

THE FUTURE OF A CHALLENGING PROFESSION

To me, as it is to others, a visit to this institution of learning is an uplifting experience, especially in the spring, when the blossom-spangled campus combines with the freshness, the warmth, the eagerness, the strength, and the good humor reflected in the faces of you students. The magnificent, beautiful buildings in their setting with the Mount Timpanogas backdrop, and you students to give life and vitality and promise, makes one proud to be a member of the human race.

The inscription at the entrance "The World Is Our Campus" and the high standards of honor, integrity, and morality in your code as students of this University—your pledged consideration of others in your personal behavior—the dedication here to the development of ethically sensitive and responsible mature individuals—and the full recognition of the need for a never ending search for truth and understanding—all appropriately combine as the setting for our discussion today of the engineering profession and the future. In today's changing times of challenge, moral integrity, intellectual honesty, and full consideration of all people on our finite world is most important, especially in our application of technology, and is an absolute necessity if we expect to be around very long.

Personally I fully expect we will be, even with all of our problems. I have great faith in people and what they can achieve when they face up to problems. And that faith is rekindled and strongly supported when I look at you young, eager embryo problem solvers. There is a great promise ahead.

From my earliest recollections, the engineering profession seemed the only possible choice for a career. I have not been disappointed and I hope I have reciprocated in some small way for the opportunities and satisfaction it has brought me. I am proud to be a civil engineer. To me, the evidence is overwhelming as to the contribution our profession has made to the state of civilization and the well being of the peoples of the world.

You know, when the Good Lord created the earth, he never finished it. Nothing is all done, nothing is ended. He wisely provided for continuing vibrant and throbbing growth, for creation, throughout all time. He left mountains that were impassable, forests that were impenetrable; wild rivers that were uncrossable and uncontrollable; rainfall that was erratic producing deserts and rainforests; storms that brought forth hurricanes and rampaging floods and lack of storms that produced searing droughts; He left the heat of summer and the cold of winter.

He provided ample natural resources for the life of man, but they were resources which require work and knowledge and cooperation and will to develop and use; resources that must be developed on wise and sound principles or the development boomerangs He provided Nature-governed laws which have no sympathy for ignorance, no matter how well intended. And He gave Adam and Eve the job of husbanding the natural resources of this world.

So in reality, Adam and Eve received the first Civil Engineering assignment, that of taking the hostile environment outside of the Garden of Eden and by the sweat of their brows, making it compatible for the life of man. And that has been the primary job of Civil Engineering ever since; finishing

the creation, applying scientific principles to the practical needs of man, assuming the constantly increasing responsibility of providing for the physical well being of all people—and in the process providing for man's spiritual and social growth and development.

For in working at the job of finishing the creation, there have been good side effects. Remember the Lord told Adam, "Cursed is the ground for thy sake;" and this has turned out to be a great blessing. Early man found that he had to work together with other men to control the floods and to conquer the mountains. He found that he needed them; that every man is a part of the whole; and civilization was on its way. He found that the cooperation that was necessary to control the floods in the Nile Delta, and use the water for growing of food, was good also in other activities.

He discovered the necessity for and the power of human dignity and individual responsibility—and the overriding requirements of love, of justice and peace, and of brotherhood of all men. This march of civilization has brought us to the point where for the first time in history, physically within our grasp and within our capabilities, is a good life for every man, the elimination of hunger and poverty, the realization of dreams of all men. All we need to do is apply what we've learned about cooperation and brotherhood and mutual dependence and thus work together a little better; and then get with it.

Our technology is far, far greater than we dreamed possible when I was an undergraduate nearly 40 years ago. With our present understanding of natural laws, our electronic computers, and our vastly improved physical tools, we can literally move mountains as man envisioned when he first learned the basic principles of energy, leverage, and movement.

We have the technological tools for almost anything we wish to accomplish; the actual accomplishments are set only by the limitations of the human spirit. But with all our capabilities in engineering and other fields, we have a troubled world. Our relationships, man with man and man with nature, haven't kept pace with our technology. We haven't brought the rest of society along with our technological advances. The understanding of our total society leaves much to be desired. We seem to have put aside and overlooked some of the things we have learned. And today we appear to be on a cynical pessimistic binge of negativism.

There is an often expressed yearning for the good old days, a sort of nostalgic fantasy—a desire to revert to what once was, or we thought once was. But I haven't been able to find anyone willing to say how far back we should go. Should we go back 25 years to the beginnings of the space age; a half century to the beginnings of our improved national highway system, with the outhouses and lamplights for rural America; or a century to the belching factories and slave labor conditions of the beginnings of the industrial revolution, or to the stagecoach and the Indian wars; or two centuries to the primitive living of colonial America; or to the unplanned towns of the middle ages.

These things are not for me, nor do I believe for any of us if we will but stop and consider. And if we hadn't come along as far as we have, the chances are that most of us would not even be here—we would have been long dead—or we wouldn't have had the chance even to have been born.

In our instant communications society today, with emphasis on the negative, we seem to have lost a balanced sense of values. I prefer to take the positive view. I really don't believe we have a choice not to, if we are to survive. In this variable and imperfect world, we need to keep in mind that there is no such thing as instant perfection. Further, this little old finite world is all we've got.

Whether we like it or not, we start from where we are to improve. The inspiration, the self starter so to speak, to improvement, is a mature recognition of the great advances man has made, because they are great and they are wonderful and tremendous. And they are accomplishments in which civil engineers can take pride as the major cog in the machinery which has brought them about.

And I say to you that as young engineers, you will have a major role in solving the tough problems of today and of the future. This will be true, not only because you are engineers, but because you are concerned members of society and are becoming more and move involved and committed to the betterment of society in the broad sense. A higher quality of life in its fullest sense is a constant goal before us.

And don't ever forget that food for all is a prime necessity and it comes first. Without sufficient food, concern for the rest of man's environment is academic. And the production of food to meet the needs of the growing population of this world is an area where engineers are becoming more and more important.

From the start, America has been a nation of builders. At first, our forefathers built to survive, to adapt the environment to the life of man with little concern for aesthetics or ecology as such. By today's standards the building was primitive—but build we did.

Even after the urgency of the "build or perish" period had diminished, concern for the quality of life was more a fringe benefit than a planned result of man's construction efforts.

For a long time, it did not seem to matter where or what we built, so long as the quantity kept pace with our need to grow. Many of the steps we took in management of our resources were good. Others were not so pretty.

Mining left lasting wounds in the earth's surface; and the land was scarred by unwise cultivation in some areas. Our rivers were badly used and overused for sewage and waste disposal.

The engineer has had a key role in this expansion of America. And in this role he has reflected the needs and the wants of society.

There can be no doubt that he has changed the face of America. We have built great dams—Hoover, Grand Coulee, Shasta, Hungry Horse, Glen Canyon, Flaming Gorge, Morrow Point, to name a few within my own organization. These were built to tame the rivers by storing destroying floodwaters, and thus providing life giving water for man to use when and as needed.

We have etched into the land a network of roads and highways that permit us to be the most mobile people in history. Farm produce and industrial goods reach the market place with equal ease, and goods and people circulate freely and there is instant communication of all kinds.

Bridges of many sizes and shapes span our waterways to add to our freedom of movement, and man has erected an infinite variety of buildings in which to live and work and play.

We have built homes and towns and great cities all across America—from coast to coast and most are wonderful places to live. And they have been made possible by the complex transportation systems, water and sewer systems, and all the supporting facilities that Civil Engineers provide.

All of these things have changed the face of America. Each effort has enriched the life style of succeeding generations. And on the whole mankind has greatly benefited.

Where once there was desolate land, we now have production farms, nourished by water stored in large and small reservoirs and brought to the land when and as needed, by a patterned network of canals and pipelines.

Where once there were only rutted dusty trails, which in turn gave way to narrow, winding roads, we now have broad highways which lead man comfortably to almost any destination.

Now people by the millions can swim, boat and fish, and enjoy nature in the great outdoors on reservoirs and along streams which once were not accessible or did not even exist.

When nature did things without an assist from man, these streams were full only in the rampaging muddy spring runoff stages, or when a sudden summer cloudburst turned the river into a raging destroying torrent. The rest of the time it was a muddy trickle—and there were no fish—and very little wildlife.

Borrowing again from my own experience, in the great American West, where once the only inhabitants were jackrabbits or colonies of prairie dogs, there are now thriving farmlands and communities ranging from small farm towns to great cities—places like Phoenix and Salt Lake City. They have blossomed in a desert, which before man took a hand, was unfriendly, hostile to life, and almost uninhabitable.

These things have been done through civil engineering works to make man's existence here on this earth possible, easier, and more worthwhile—and it has been good.

Our profession faced—and won—the challenges of controlling the floods of our rivers, conquering the mountains, developing the land, harnessing nature's energy and building power lines. and linking communities with highways. We can control life giving water so essential to life.

Much has been done, and it is good. But the job is not complete and it is changing. We still have more needs to fulfill as our nation seeks new solutions to problems of growth and indeed to those difficulties man has brought on himself simply by being here and seeking a constantly higher standard of living. In fact, to meet our needs, in your career life ahead, we must build a second America.

And this will challenge all the talent, the ingenuity, the resourcefulness, the hard thinking and good work that you can muster. It means taking full advantage of all the knowledge and tools of applying that knowledge that is now available. And it will mean working with other disciplines to help the building meet the full needs of our society.

We have reached the stage where we must better provide for the protection of the natural environment. But the national concern must also consider a balanced total environment. We must not retrogress. The challenge is to determine how the works of man and the elements of nature can best be fused and blended for the betterment of the whole civilization.

On the whole, we have done a pretty good job. We can have progress and improve the total environment. We have proved it.

Take, for example, the Colorado River which Hoover and Glen Canyon Dams and the other control structures have made a servant of man instead of his master.

In the arid and semi-arid west, the primary structures needed to assure the desired quality and availability of water are storage dams such as Anderson Ranch Dam in Idaho, a 467-foot-high earth-fill dam, where I invested four years of my life. Man has worked with nature to create a *real* balance that makes life possible—for man and for wildlife.

For instance, our Bureau of Reclamation reservoirs in the west prevent destroying floods and stores the water to provide irrigation for 10 million acres of land, municipal water to 16 million people, as well as providing 60 million visitor-days yearly of outdoor, water oriented recreation. We have 67 wildlife refuges and provided facilities last year for 875 million duck days and 87 million goose days.

You, as young engineers, not only face the need of furthering and improving this type of work, but you obviously must also face the job of furthering public understanding of the positive things that have been accomplished, and that you can accomplish, and that you must continue to accomplish if civilization is to survive. Our good life didn't just happen. It has taken hard work and unrelenting effort.

In this day and age, with our instant communication and our continual emphasis on negative aspects of our world, we have too many who don't stop to think things through. And we have the vocal minority who would apparently like to move us back into the dark ages.

I do not believe any thinking person wants that. And moving backward would be impossible without destroying society and would not provide for the people we have today. Whether we like it or not we must take things as they are, keeping in mind things as they were and things as they may become.

We must fit them into a proper perspective without undue influence from the "instant environmentalists" and similar "instant experts" who build emotional irrational blockades which pose grave threats to man's future.

The challenge is here, not to sit back and bemoan the problems the industrial and technological revolution has brought upon us, but to move to a new phase—a positive phase—where we concentrate on the problem of a quality life for all men—where we fully and carefully consider all aspects of our environment. The same scientific and engineering expertise which has contributed to the outpouring of good things in our modern life can be utilized to correct those unanticipated side effects, primarily pollution, which have also resulted.

President Nixon put it in the proper context in his message on the environment to Congress only last month when he said:

"The temptation to cast technology in the role of ecological villain must be resisted, for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality."

Truer words were never spoken. The challenge to you is to respond to the new future with vigor, determination and imagination. Remember that while we may have ample basic resources necessary to meet the needs of today and for generations to come, they must be carefully husbanded and managed properly—and that is your challenge.

In the arid West the keystone for a good life has been to bring water to otherwise useless land. When this was done, the land and the people prospered.

Someone said, "Man's progress is tied to his concern about water." This is true for water is essential to life. Nature's water wheel must be understood and man must work with nature to provide an adequate and usable supply.

Never forget that any stable society—or any stable economy—has to start with fundamentals based on land and adequate water in proper sequence and under control. Unless you have and maintain this base, and subband your land and water, you are wasting your time talking about the good life, regardless of whether you want it simple or progressive. For even the simple life is not static.

Civilizations of the past tried to by-pass this fundamental. To the Indians, the Great Salt Lake Valley was a barren and hostile place. But the pioneers who settled there, and in this lovely Utah Valley, obeyed the instructions of Bringham Young to divert water from City creek where it flowed past what is now Temple Square. They used irrigation by a system of ditches and canals to husband their land and water and made Utah a lovely place in which to live. That use set the pattern for water control and management in all of the Western states.

In Arizona, the Hohokam Indians were early residents of the Salt River Valley. They too found the desert hostile, although beautiful. But they tried. They dug canals and attempted to divert the water onto their land and for a while they were successful. But they could not control the forces of nature—floods and drouth. Flood waters ripped away their diversionary works and blazing sun burned up the crops during the drouth periods.

The Hohokams could not change or control nature, so they became the "Hohokams", which means literally "the people who went away" and they disappeared from history.

Other civilizations have a similar history. The Fauhum Valley in Egypt was irrigated by canals built at the time of Joseph of biblical times and was one of the most productive areas on earth. But floods washed away the diversion works, sand filled the canals, and the lush gardenland returned to desert. And that ancient center of the civilized world dwindled and almost disappeared.

A good environment is not one in which man does nothing to change nature, but one in which man works with nature to make life possible for man and animals. Water is life but can also be destructive. And, as in the wrong quantity and at the wrong time, man must take a hand to adapt nature to make life possible for man.

And don't ever forget that a good environment requires an opportunity for man to make a living; without this basic provision, aesthetics and all the rest becomes academic. So changes that must take place, must be accomplished without destroying the economy. They must be accomplished with care and with wisdom. And that is another of your challenges.

Industry and good engineering have largely made this country what it is today. But we have problems in controlling pollution and in lessening of the impact of our construction on our landscape. Finding solutions to the many environmental problems will come through application of modern technology. The objective is to ease the impact of progress on the natural environment without taking a backward step, and with keeping the economy intact.

We have knowledge enough and talent enough to achieve these goals. We have the know-how to meet the demands for more electrical power without violating our environment, to dispose of our domestic and industrial wastes without poisoning our land and lakes and rivers, to combat the degradation of our cities and to convert our urban areas into places where people can live, breathe, work and play in harmony with their surroundings. And you have the job of applying that knowledge, and it will be tough.

For it will take strong and united action, full public understanding and a willingness to accept the full cost. Economy in the fullest sense and considering all factors, must still be the watchword. But it must not be economy at the expense of environmental deterioration, as has been the case too often in the past.

A few years ago there was a popular song "Stop The World, I Want to Get Off." To hear some people tell it, we should stop the world now—not necessarily to get off, but at least until we solve our problems.

You will find some seem to think we should return to the pristine state of nature. I could start an argument as to whether that pristine state was good or bad, but that is academic. As I have stated, we cannot turn back even if we would. If we delay or discontinue our efforts to make this world a better place in which to live for all people, we are destroying the very thing both we and the critics desire—a good life for people in a quality environment. We can provide both if we face up to it—and have the commitment.

All types of construction leave their mark. We cannot build highways or buildings without having an effect on the landscape. But our decision must not be whether to build or not; it should be where and how and what to build; and then applying modern skills and knowledge to blend the construction into the environment—such as was done with Dulles Airport at Washington, D.C.

Some of the innovations that are underway, and in which you will be actively involved, promise much for the future. For instance, we are now girding up to push underground excavation technology to make better use of this important resource of underground space. The Stillwater tunnel on the Central Utah Project will be a full-scale research and development laboratory. This problem is receiving international attention. I will be in Paris next month working with representatives from all over the world, seeking means to better exchange research and development information.

We have a study underway of an undersea aqueduct to transport water along the continental shelf, 200 to 300 feet below the surface of the ocean, from areas of surplus to areas of need.

Geothermal energy from the interior of the earth show promise. For instance we in the Bureau of Reclamation are investigating the potential of the Imperial Valley area in California for both desalted water and power. The 20,000 or more feet of semi-pervious outwash in the Valley is saturated with superheated brines; at 4,000-foot temperatures as great as 400 degrees F. are encountered. Preliminary studies indicate the potential of a multipurpose development will yield 2 or 3 million acre-feet of desalted water along with 15 to 20 million kilowatts of electric power.

Weather modification to produce additional precipitation in regions of need by scientifically controlled cloud seeding has much promise. You see nature is very inefficient in rainmaking; only 10% of the moisture in the air falls as rain or snow. The remaining 90% goes on across the continent. We believe we can increase the runoff in needed areas by 15 to 20 percent with little cost. This holds promise for the future.

Today we are, as we must be, embarked on comprehensive, multi-purpose planning on a large scale. We in the Bureau are conducting the Westwide Study, with which by 1977 we will produce a master plan for the development and husbandry of the water resources of the West. This study will involve 23 Federal agencies, all the States involved, and a number of other concerned and involved organizations. It will provide a range of alternatives for husbandry that will assist the decision makers in determining the best course for the future.

A large number of activities are now being carried out that are good and need further expansion. For instance—recreational lakes are formed by using highway embankments for dams, and native flowers are used to beautify the roadside, a general practice now, but in which I took great pride as a pioneer during my days as U.S. Commissioner of Public Roads.

Special underpass structures on Interstate Highways are provided for deer crossings. In urban areas, special landscaping adds to the attractiveness of roadways. Powerlines are being more esthetically designed and located. Power substations have a clean, low-profile look that fits better into the landscape. Many such improvements attest to fresh thinking and ingenuity of our profession, especially when they can be accomplished without additional dollar costs. But we must never forget to weigh the full costs, which includes the effect on our environment.

You face a real challenge in meeting the energy needs of the people of the world. A great amount of effort, research and development is underway. For the next 15 to 20

years, the utilization of coal will be necessary to meet the needs. The great reserves extending from New Mexico, up through Utah, Colorado, Wyoming, Montana and including North and South Dakota will be utilized. We still have problems; those of particulates are about solved. Progress is being made with the sulfur oxides. In July I will be in Brussels, Belgium to an international meeting of World Energy Conference members setting up information exchange procedures concerning the effective use of coal and control of pollutants.

It is generally believed that the breeder reactor will be the ultimate solution, but this is 15 to 20 years away before it will begin to substantially take up the power load.

It is encouraging to me, and it should be to you in starting your career, to have the communications and international exchanges that we now have in facing up to some of our pressing problems. While there is much to be done, I believe we're making a good start. And we in the technical field are showing the way that men all over the world can face up to problems and cooperatively seek solutions. We must, if we are to survive on our finite world.

I have had an unusual opportunity to have been involved all over the world in working with this problem of properly developing the natural resources of this old world to meet the needs of man. And I've been involved in and struggled with plans to rectify the poverty, misery, disease and early death which is man's lot if he does not utilize the natural resources of this world.

I have been in the middle of the clashes and the collisions and the controversy and the crises of conflicting opinions which have too often surrounded large developments such as the St. Lawrence Seaway Project, the Interstate Highway program and the Reclamation program.

I know the difficulty of getting an overall appreciation of this old world and man's relation to it as we shape for the future, and as we work to insure a future for our kids. But I also know the sound judgment and good common sense of the great majority when given half a chance to get an understanding of our problems.

Life is not simple—problems are not easy. But we are making great strides in better understanding the inter-dependence of man and nature—and of man and man—and at how to get a proper balance in the development and use of our natural resources.

Out of all these experiences has come a great admiration for people. For I have seen what can be done, what people can accomplish, how dreams can come true—when people cooperatively work together. I believe in people. You see, it is most important to keep in mind the inherent great good that is in all men, and to direct our efforts toward bringing this out in ourselves, as well as in our associates. We must never lose faith in human nature, no matter how often we are deceived. We must keep solid confidence in the real, honest goodness, generosity, humanity and friendship that actually exists in this strife-torn world. These are overwhelming in majority. I've had this proven to me time and again; even when badly shaken a time or two.

We are fortunate indeed to have the great moral principles which are the foundation of our progress and culture to guide us. These principles, summarized in the Sermon on the Mount, have withstood the batterings of change and time and are as applicable today as ever. Never forget that the Golden Rule must be as indispensable to you in your profession as the slide rule.

We have challenges. We have polluted streams. We have polluted air. We leave marks on the landscape from our construction efforts.

But we are also meeting these challenges. We are working to clean up our air and our streams. We are learning new ways to avoid future pollution. We are working to enhance wildlife habitat. We are channeling our efforts toward necessary continued growth of industry, but with control to prevent pollution of the atmosphere. And we are succeeding.

And to further show that we are facing up to today's problems, I cite President Nixon's reorganization proposals, particularly as they relate to a Department of Natural Resources. The merging of all natural resource policy and planning operations in a single department would provide effectiveness and efficiency of operations; unified ground rules and added political clout by permitting the administration to establish priorities for resource husbandry and to speak with a single voice in their support.

To insure a future by meeting today's challenges will require the most careful coordination and planning. For the development and use of natural resources, this can be best provided under a single administrative umbrella such as the President proposed in a Department of Natural Resources.

The engineer must continue to tell his story and tell it as factually and clearly as possible. We must counteract the half-truths, the untruths and the myths which are being spread. We must get understanding of our projects. We must correct the inaccurate criticism leveled our way—but make proper adjustments to continually meet the changing needs of our time.

And you young engineers especially, working with natural laws to make dreams come true, have an exciting role to play. Don't forget that your survival and happiness, as well as that of all of us, depend on how well you adapt to the needs of this changing world, while still holding tight to the moral values that have withstood the batterings of change and time. And on how well you help meet the basic needs of people through proper and balanced use of our limited resources of land and water—and in fashioning the environment to enhance the good for both man and nature.

Today's challenge to engineers is to evaluate and plan and design and build for the total well being of man in the fullest and broadest sense. Our scientific design technology must be subordinate to the humanistic requirements of man and the perpetuation of a good life on this planet.

This requires total involvement of all of us. The vision that engineers have combined with their practical know-how on getting things done, provides a strong base for a greater role for leadership in our society. And that is your challenge. For there are no easy answers and there is no easy road. But if you work at it, there is no limit to your potential, individually and collectively.

I served as a judge of Consulting Engineers National Excellence of Design contest last year, and the imaginative work submitted made my heart sing. Because this is a world of ingenuity, of integrity, of beauty and of opportunity and of potential.

It is a land where we can and do build for beauty—and for aesthetics—and to lift up man's soul.

And we have an environment where we have worked with nature to cooperatively create an opportunity for a good life in a quality environment.

And in this miracle of America of ours, it is a land where we have the wheat fields of Nebraska, where we recognize the great wealth—the great beauty—and the great worth of our grasslands—and our big sky sweeping from horizon to horizon. And of our canyon lands with their wonder and their color and their exciting mystery and calming serenity—and their fantastic shapes carved by nature over eons of time.

And it is a land with great heritage, such as Rainbow Bridge and the inspiration it provides today to thousands—a land with an inherited folklore concerning the Great Spirit of us all. We are the recipients of the enduring good and knowledge and understanding of struggling, hard-working people from all over the world through centuries of time.

It is a land which with water controlled by the works of man, has become a land of plenty—a land of milk and honey—of grapes and beauty—a land of great promise.

It is a land of sparkling water—and we have safer water in our taps all across America, than ever before, because of our engineering works—even though we can and must do better.

It is a land where we can lift up our sights and glory in priceless moments such as this—in our waterlands—created by man and nature working together. And we can appreciate and enjoy its beauty.

A land where we work with nature to create greater beauty, and it is a land where even with all our problems today, where we have a better and a healthier diet—and a longer life—than ever before in history.

And from our mountains in the fall; and from our streams and waterfalls, there comes a song of thanksgiving—a song of accomplishment—a song of inspiration—a song of joy—a song of hope—a song of beauty—a song of glory of man. Because there are great days ahead in this miracle of America of yours and mine—and in this miracle the planet earth. As I mentioned for the first time in all history we can dare to think of a good life for all man—because for the first time we have the technology and the capability to provide a good life for all. What we need to do is apply what we know with cooperation and full appreciation of the basic brotherhood of man—of all man all over the world—and get with it.

And that is your challenge in today's world—as Engineers and as members of the human family. To better understand, to better communicate, to be concerned—to become totally committed—to be completely involved with all facets of our society—to recognize the dignity and worth of every man—to have as your guiding light service to mankind, a reaffirmation of life, its opportunities, its fullness, and its beauty. And the time is here to show that it can be done.

And this required the dedication—the integrity—the ingenuity—the professionalism exemplified by your honor code—a dedication to the service of your fellowman.

Because whether we wish it or not, it is the dawn of a new age—an age of enlightenment—an age of opportunity—an age demanding the best from each of us. For in our miracle of America—and in all the world—this is the age of Aquarius—a Golden Age according to the stars!

TRIBUTES PAID TO JAMES F. BYRNES AT THE UNVEILING OF HIS STATUE ON STATE HOUSE GROUNDS, COLUMBIA, S.C., ON MAY 2, 1972

Mr. THURMOND. Mr. President, on the State House grounds in Columbia last Tuesday, May 2, 1972, a statute honoring the late James Francis Byrnes was unveiled.

Had this distinguished South Carolinian lived, he would have been 93 years old May 2 which also marked the 66th anniversary of his marriage to Miss Maude Busch of Aiken who was at his side and his helpmate throughout his life of distinguished service to his State, his Nation, and the world. Mrs. Byrnes unveiled the imposing statue of Justice Byrnes in his judicial robes, which was done by Charles Sparks of Delaware.

The general assembly designated May 2, 1972, as "James F. Byrnes Day." I ask unanimous consent that their resolution be printed in the RECORD.

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

"Whereas, the month of May is defined as 'the vigorous blooming time of human life'; and

"Whereas, it is recorded in the Encyclopedia Americana that on the second day of this month in the year 1879 God chose to bless this noble State with a son whose name, James Francis Byrnes, would become internationally famous; and

"Whereas, this native of Charleston, born and reared in humble circumstances, launched one of the most colorful and diversified careers of public service in the history of this nation in 1900, when, at age twenty-one, he became court reporter for the Second Judicial Circuit in South Carolina, a position he held until 1908; and

"Whereas, his ambition and determination to succeed led to his admission to the Bar in 1903; and

"Whereas, between the years 1908 and 1955 he successively served as Solicitor of the Second Judicial Circuit, Congressman for the Second District, United States Senator, Associate Justice of the United States Supreme Court, Director of the Office of Economic Stabilization, Director of the Office of War Mobilization, Secretary of State and Governor of South Carolina; and

"Whereas, his superior performance in these various positions of high honor and trust has been many times toasted at home and abroad; and

"Whereas, throughout his magnificent career he never lost touch with his meager beginning as evidenced by his scholarship foundation for deserving orphaned children; and

"Whereas, he has always been equally at ease with the rich and the poor, the high and the low and is best known to all simply as "Jimmy Byrnes"; and

"Whereas, his farsightedness and dedication to formal education is recorded in the Encyclopedia Britannica wherein reference is made to his public school improvement program which was launched under his stewardship as Governor of this great State; and

"Whereas, it was also on this day, made historically significant by his birth, that he and his dear devoted wife and inspirational helpmate, Maude B. Byrnes, were married in 1906; and

"Whereas, the sands of time have indelibly recorded the full, wholesome and meaningful life of Jimmy Byrnes in the history of South Carolina and in that of the United States; and

"Whereas, the time has come for South Carolina to honor her great son with recognition of a lasting and permanent act of outward manifestation; and

"Whereas, it has been previously determined to accomplish this by placing a statue of him on the northeast corner of the Statehouse grounds where it shall remain in mute testimony for all who pass it by that this is indeed the land of opportunity for those who care to seek it; and

"Whereas, there is no more appropriate time to accomplish this recognition than on his birthday and wedding anniversary, May 2, 1972, and to designate such day as "James F. Byrnes Day"; and

"Whereas, contributions from throughout the nation were received for the purpose of financing the statue; and

"Whereas, this day having been selected, it is the desire of the members of the General Assembly to join in the ceremony and recessing their respective sessions at 12:20 in the afternoon on that day for that purpose; and

"Whereas, such members are desirous of State employees in the immediate Greater Columbia area being afforded the opportunity of witnessing this momentous occasion and are further desirous of the public in general to join in. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That May 2, 1972, is hereby designated as "James F. Byrnes Day"; that both the House of Representatives and the Senate shall recess at 12:20 in the afternoon on this day for the purpose of participating in the unveiling of the statue of Mr. Byrnes on the northeast corner of the Statehouse grounds; that all department heads of State government in the immediate area of Greater Columbia grant an additional half hour to the lunch hour of all employees in their respective departments on this day who desire to witness the ceremony; and that all citizens of South Carolina are invited to bear witness on this day to the recognition of Mr. Byrnes."

Mr. THURMOND. Mr. President, the Honorable N. Heyward Clarkson, Jr., vice president of the Byrnes Foundation, presided at the ceremonies of the unveiling of the Byrnes statue. The invocation was delivered by the Right Reverend John A. Pinckney, bishop, diocese of upper South Carolina.

Dr. W. E. Rowe, of Chattanooga and a former Byrnes scholar, spoke in behalf of the almost 400 young South Carolinians who have benefited from the generosity of the James F. Byrnes Foundation.

Mr. President, Dr. Rowe made the following remarks at the ceremony:

For the next few minutes you will hear only one voice, but almost 400 young South Carolinians will be speaking to you. The "Byrnes Scholarships" capped James F. Byrnes' long and distinguished career of service to his fellow man. This chapter in his life will not end because the James F. Byrnes Foundation and The Byrnes Scholars will continue his work. We are thankful that Governor Jimmy Byrnes took a stand by us as we embarked on the road of life.

It all began in 1947 when the proceeds from his book, Speaking Frankly, which was dedicated to his mother, Mrs. Elizabeth E. Byrnes, was used to establish The James F. Byrnes Foundation. Originally it provided $500 per year for a student for four years of college. This money was not to be repaid. He felt that a young college graduate should not start out with $2,000 debt. Its purpose was to help those students with one or both parents deceased and those students who by their record of accomplishment hold promise of leadership and a worthy contribution to society. In 1958, he wrote All In One Lifetime, and dedicated it to the people of South Carolina, who gave him the opportunity to serve in public office and to the men and women, who through the years helped him to serve. The proceeds from this book also went to The James F. Byrnes Foundation.

Travel with me for a few moments back to June of 1949. From all over the state 30 young high school graduates were on their way to meet Mr. Byrnes, one of the most respected men of his time. It was a beautiful day in Spartanburg. From the moment we met we were strangers no more. We remember that day well. We remember his lovely and gracious wife, "Miss Maude." We remember his devoted secretary, Miss Cassie Connor; and we remember his trusted friend and chauffeur, Willie Byrd. We departed from him that day inspired to make some constructive contribution to society in our lifetime because this man took a stand beside us and placed his confidence in us. In 1951, our group became known as the Byrnes Fraternity. That was the year Governor and Mrs. Byrnes took us to the Isle of Palms for a weekend get together. There were some 60 boys and girls representing 15 colleges and universities. In 1954 a plaque was presented to Governor and Mrs. Byrnes by several scholars and on that plaque read the inscription: "To Mom and Pop Byrnes from your Foundation Children" and listed the names of the scholars.

Time passed on and he continued awarding scholarships, utilizing every penny he could to send another student to school. Even the proceeds from the sale of his summer home on the Isle of Palms went to the James F. Byrnes Foundation to be used exclusively for scholarships. By 1961, 264 scholars had been given this assistance. In June 1964, the Byrnes Scholars expressed their desire to share the financial burden which their benefactor had alone borne for the last 15 years. At the meeting that year, Judge Donald Russell gave a most inspiring message. He stated that Governor Byrnes wanted a living memorial, that he wanted to invest in human life and see it grow. He also stated "the lives of these young people that he had helped would in the years ahead cast his shadow forward and that he would live in the lives of their descendants for ages to come." "Mom" and "Pop" Byrnes' personal interest in us signified that they loved us, they believed in us and they expected great things from us. His monument will be carved in our hearts, in the hearts of our children and our children's children.

"We have gathered together in June each year since 1964. More than 358 scholarships have been awarded. Year by year the number of Byrnes Scholars will grow. We will ask of those who follow us no more than Mr. Byrnes asked of us. Do your very best and do nothing to bring discredit to the Byrnes Scholars.

"Mom" and "Pop" Byrnes have instilled in us the same principles which guided them through the years. A devotion to duty, a dedication to principle and the belief that "the sole meaning of life is to serve humanity."

Mr. President, the principal address at the unveiling of the Byrnes Statue was delivered by Gen. Mark W. Clark who, after his distinguished service in World War II and the Korean conflict, was induced by Governor Byrnes to retire to Charleston, S.C., and succeed Gen. Charles P. Summerall as president of the Citadel.

Mr. President, I ask unanimous consent that General Clark's address be printed in the RECORD.

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

ADDRESS BY GEN. MARK W. CLARK

A man for all seasons. More than two hundred years ago that phrase was used to describe a great man. We like the ring of the term and its all-encompassing grandeur. But it is inadequate for the man we honor today.

The man of destiny. That term from a George Bernard Shaw play has a familiar sound and fits a few men of tremendous worth. But it is too limited to apply to the man we honor today.

The man who loved God. A title coined by one of Shaw's fellow playrights. But it would fit only a small facet of the personality of the man we honor today.

I have searched far and wide for quotable and adequate descriptions of James Byrnes including the man of the hour, the man of the people, the man of courage, and many others, in an endless effort to present dramatically in a few words a proper description of greatness in a man. Not one of them can equal the man we honor today and it may be that it is impossible to put into words the full impact he had on this state, our nation, and, indeed, the world.

As inadequate as it might be, my own

title for James Francis Byrnes is "A Man For All Officer's. That grouping of words is my own, but the thought is taken from John Milton.

Milton praised men who were fit, in his words, "To perform justly, skillfully, and magnanimously all the offices, both private and public of peace and war."

James Byrnes was such a man. Many Americans have been catapulted to high office without being qualified to carry out the duties of lesser offices. Some have found their limits in public offices of low estate. A number of office holders have been well-qualified for peacetime, but inept in war.

James Byrnes struck the perfect balance. He was patriot and politician, perfectly equipped to perform both private and public service whether in war or peace, whether in lowly offices or high.

To put it in more up-to-date terms, Jimmy Byrnes was Good enough in all respects to be on our All-American team forever.

We could place the emphasis on: Good!

My close friend and colleague, Lucius Clay, said in his eulogy of Mr. Byrnes, that he was one of the few individuals of history who was both great and good.

The good in the man we honor permeated his entire life so that he is remembered as the magnanimous spirit that Milton envisioned in the perfect man for all offices.

That goodness may account for my feeling very strongly that God controlled recent events involving Mr. Byrnes, if, indeed, he did not guide every phase of that tremendous life. A divine hand might well have set this long-scheduled dedication so that it followed the passing of Mr. Byrnes while his eulogies were still ringing in our ears. Yes, he was a man for all offices, and he served human kind in a wide variety of capacities. State and federal legislator, jurist, head of federal agencies, Secretary of State, and Governor of the people he loved most of all—those of his beloved South Carolina.

Jimmy Byrnes was a man for all offices and it was my privilege to work closely with him in several of the important offices he held. While I was United States High Commissioner in Austria following World War II, Mr. Byrnes was Secretary of State. He demonstrated his diplomatic skills in the guidance and assistance he gave me in that position.

I was honored when he selected me to serve as a Deputy Secretary of State during the difficult negotiations of the Foreign Ministers' Conference in London in 1947. The lessons I learned from him there were invaluable to me in the later Moscow Conferences where I served as Deputy Secretary of State to General Marshall who succeeded Mr. Byrnes and in my later confrontations with the communists. Let it here be recorded that Mr. Byrnes was ahead of his time in recognizing the true menace of communism.

I have often said that the wisest decision I ever made was the decision to come to The Citadel, to make my first and only permanent home in South Carolina. And to devote my remaining years to the education and training of American youth—our most precious asset. Mr. Byrnes is responsible for that decision.

While I was burdened with the trials and tribulations of a frustrating war in Korea that my government would not permit us to win, I received a message from then Governor Byrnes asking whether I would be interested in succeeding General Charles P. Summerall as President of The Citadel. I replied that I would be most interested as soon as we could reach the armistice that my friend, President Eisenhower had instructed me to secure.

Out of that initial exchange of messages and through the guiding hand of Governor Byrnes, I did assume the presidency of The Citadel. It proved to be my longest and most rewarding command as I was privileged to have a part in shaping the lives of the thousands of outstanding young men who passed through the corps of cadets during the more than a decade that I was president. I'm proud of those men and the records they have made on the field of battle and in all other walks of life. I'm also proud to be President Emeritus of that great institution, and I feel deeply indebted to Mr. Byrnes for his influencing me to come to this great state which still has more patriotism and true Americanism per square mile than any other place in the land.

Those and other experiences with Mr. Byrnes exposed me to his unique greatness. His fantastic versatility contributed to his success. He could teach himself complex new subjects quicker than others could absorb them with the help of a tutor. He learned at his Mother's knee and later by her side far more than most learn in school and college. The shorthand she taught him proved invaluable in at least two of his many professions—court recorder and journalist—and some of the notes he took at international conferences form the basis for important segments of the history of the time in which he lived.

The most striking traits of Mr. Byrnes, in my view, were his retiring nature, his modesty, and his apparent complete lack of ego. It is rare in political beings, but he was, to put it in a word, humble. His devotion to the education of deserving young people was one of his most cherished accomplishments.

That trait of humbleness seemed to cause him to move behind the scenes. He was often in the limelight but never of his own volition. While others drew attention to themselves with speeches on the floors of the houses of Congress, he made few. Instead, working quietly and unobtrusively, he exercised more power than his colleagues. His was the controlling voice in the Senate for years. His leadership of that great body rested primarily on his understanding and ramifications and human factors of the legislative process and his talent for constructive compromise. Even rarer in a politician than humility is selflessness. Jimmy Byrnes embodied both those traits and they shaped him into more than a politician. He was a true statesman.

The record is replete with instances of his placing service above self. The most striking example, and one which, in characteristic form, he never alluded to, was his giving up a high-paying position as a Justice of the United States Supreme Court, a prestigious life-time job, to assume a lower-paying uncertain assignment. That assignment was Director of Economic Stabilization which President Roosevelt asked him to take in order to preserve our nation. With Byrnes in that position, it was no longer *uncertain* because of his zeal and competence. Soon he was more powerful than any man in the nation except the President of the United States.

Jimmy Byrnes holds an honorary degree from The Citadel. That military college meant a great deal to him, and he meant much to The Citadel. He often visited The Citadel campus with his lovely wife, Maude. Together they had a life that few can match, a marriage of 65 years filled with love, respect and devotion. Two non-Citadel men are honored in The Citadel library. One is John C. Calhoun. The other: Mr. Byrnes. Large portraits of those statesmen are on either side of the entrance to the library. There they remind cadets of the greatness of those two stalwart South Carolinians.

Jimmy Byrnes. Brilliant though self-effacing. Eloquent though quiet. Incisive though soft spoken. Aggressive though gentlemanly. Persuasive though courteous. Great though humble.

Yes, he was a man for all offices.

Twice he very nearly became Vice President of the United States. He might well have been President of the United States and he would have been a good one.

Yes, he was a man for all offices. In this life he filled many offices well—even perfectly. Now, we do not doubt, he fills the loftiest offices that exist in the great beyond.

May the statue we dedicate today remind us of him and inspire us all to emulate the great example he set.

Yes, he was a man for all offices. James Francis Byrnes. Patriot, All-American. May God bless all of you and all who revere the man we honor today.

Thank you.

Mr. THURMOND. Mr. President, I now ask unanimous consent to have printed in the RECORD a telegram from President Nixon which was read at the dedication ceremony by Alex McCullough, a former assistant to Mr. Byrnes, who is now a member of the Import-Export Bank Board.

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

It is a pleasure to join the family of the late Governor Jimmy Byrnes and the fellow South Carolinians who unveil a statue memorializing his lasting accomplishments. Your state can be proud of the dedicated public service of this great American whose record as Congressman, Senator, Secretary of State, Supreme Court Justice and Governor will surely be an inspiration always for all who seek positions of public trust. Our history is richer for the important part he had in it, and the future of our nation is brighter because of the standards he set and the goals he helped to realize. My warmest greetings and good wishes go out to all who attend this ceremony.

Mr. THURMOND. Mr. President, I now ask unanimous consent to have printed in the RECORD the moving remarks by his niece, Frances Fuller Miner.

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

REMARKS BY FRANCES FULLER MINER

Governor West, General Clark, Mr. Clarkson, distinguished guests, friends. "Our little life", William Shakespeare said. I suppose in terms of the billions of years that have preceded and may follow us, he was correct. But, some lives reach out and touch so many others in so many memorable ways that it is hard for us to consider them little or to let them go. Faced with the inevitable, we turn to something less perishable, like bronze, to keep them with us. Future generations may see in this statue of James Francis Byrnes only a testimonial to one man's accomplishments. We are more fortunate. We knew the man. We loved him. And we know that this statue is here today, not because law or duty compelled it, nor even because he was a wise and dedicated statesman, but because he had a very special love for you, the people of his state, and you have returned that love in full measure. He was blessed in many ways, but that is one of the greatest. It made him very happy. We are mired in an age of almost total negativism, beset with cynicism and self-doubt. Here was a man who gave total affirmation to life, to the manifest good in human beings as being more powerful than the incipient evil. And he gave it with joy and laughter. No wonder we turned to him. We needed him. Perhaps, in the years to come, a spark from the warmth he kindled will burn through the cold perspective of history, and some evening, as the sun's rays slant across this statue's green and gold patina and light up the eyes of children come to gaze in studious solemnity, one of them will suddenly laugh out loud, the way he made me laugh and

when I was a little girl, without knowing why, just for sheer happiness. He would like that. Thank you!

Mr. THURMOND. Mr. President, Mr. Clarkson read the following message from William C. Westmoreland, general, U.S. Army Chief of Staff, who was appointed to West Point by Mr. Byrnes:

I deeply regret that my current overseas trip precludes my being present at these ceremonies marking the unveiling of the statue of Governor Byrnes. I do, however, wish to add my tribute to those of his many friends and admirers who have gathered to honor the memory of his long and distinguished service to the State of South Carolina and our Nation. In his varied and challenging career that brought Governor Byrnes to the highest positions of leadership in each of the three major areas of our democratic system of government—Executive, Judicial and Legislative—he won through exemplary personal conduct and selfish dedication to duty the respect and esteem of his fellow Americans. His record of public service will long stand as a pattern for future generations to emulate. Not only was Governor Byrnes one of the most distinguished citizens ever to represent our State, he has also taken his place among the greatest American patriots of all time.

Mr. President, Gov. John C. West accepted the statue on behalf of the State of South Carolina and joined in paying tribute to the one who held as his credo "the highest of distinctions is service to others." Governor West said:

Mrs. Byrnes, distinguished platform guests, my fellow South Carolinians. In accepting this statute on behalf of all of the people of South Carolina, there is a feeling that we are participating in a special moment of history of great importance to our state. All too often in the busy day to day conduct of business, we lose our perspective, our sense of history. We fail to understand where we are, where we have been and where we are going. We focus our sights on the immediate, and only rarely do we lift our eyes to view what is permanent, what is lasting and what is immortal. Today we stand in the presence of greatness. Ralph Waldo Emerson once wrote:

"When nature removes a great man, people explore the horizons for a successor, but none comes and none will. His class is extinguished with him. In some other and quite different field the next man will appear."

Great men will continue to appear, but for South Carolina and for this nation there will never be another James F. Byrnes. In the words of Emerson his class was extinguished with him.

We are not here today, however, simply to honor his memory, simply to pay tribute to his many accomplishments, simply to recall his deeds. We are here to observe the permanence of his influence on our state and to perpetuate his work as an enduring part of the living history of South Carolina. The statue we dedicate stands as a monument not to the past, but as a symbol of the present and a promise of the future. James F. Byrnes in the greatness of his life did not belong to a single time nor a single era. He belonged to all South Carolinians of all times. This monument is our way of bequeathing to those later generations the heritage of his gift to the state, the nation and the world which he loved so well.

It is difficult, of course, to dwell upon any single acomplishment of this man as outshining another. In terms of power and prestige he rose to the highest level, guiding his country through the perilous times of war and helping to forge the basis for peace in the aftermath of war. As Supreme Court Justice, as Secretary of State, as a man acknowledged to be the "Assistant President" under Franklin Roosevelt, James F. Byrnes shaped the destiny of this nation and this world and laid the foundations on which the free world has prospered in these recent decades.

The power and the prestige were only the rewards of his life not its goals. And when he had reached the pinnacle, there remained more frontiers of service, more arenas of challenge, more calls for dedication. In what many might have called his twilight years, James Byrnes responded to the needs of the people of his home state and became governor. It was not an easy time to be governor, as people found themselves divided over issues which went to the heart of their pride and human dignity. But James Byrnes had never known the easy life and had never accepted the easy role. His life reflected the very best in the American dream, the very essence of what we proudly believe to be the ideals of a free society. He lived by serving, and he served by giving of himself with every ounce of wisdom, courage and energy.

The history books will record in words his greatness. This statue will stand so appropriately on the grounds of the Statehouse where he gave to his state so nobly and fully. And yet there is another dimension to James Byrnes which may be the most enduring of all. Only a few feet from here is a busy intersection, a crossroads of people from every walk of life, going about their everyday business. These were the people that James Byrnes knew and never forgot. They were the people to whom he reached out and through the years helped lift them upward. For all the beauty and solidity of the memorial which we dedicate here today, there will be no greater monument to the memory and life of James Byrnes than the hundreds of young South Carolinians and the thousands of their descendants who got their first step towards success through the Byrnes Scholarship program. In the truest sense of the word, here was the complete man. Today he takes his place with Rutledge, with Pinckney, with Sumpter, with Marion, with Calhoun, with Hampton, with all the great South Carolinians of war and peace who deserve the distinction of being called great. We are truly in the presence of greatness today. In the words of Longfellow:

"Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time."

In the granite base of the Byrnes statue is engraved the following:

James F. Byrnes, 1879–1972, Congressman, Senator, Governor, Justice, "Assistant President," Secretary of State of U.S.

A statesman, Jurist, Diplomat, He gave a lifetime of service to state, Nation, and the world."

Mr. President, on April 24 my newsletter entitled "A Great Man's Legacy," was on the life and career of James F. Byrnes. It reads as follows:

A GREAT MAN'S LEGACY

James F. Byrnes was a symbol of all that is good and fine in America. His life of public service was a great benefit to the world, to our nation, and to our state. His actions affected almost everyone who lived during his brilliant career, and his life was an inspiration to thousands of people who saw in him a model of dedication to principle and effective action enabling his principles to bear fruit.

The scope of his long public career was broad, and he was recognized around the world for his great achievements. Nowhere, however, was his greatness recognized more than in his native South Carolina. He served as a member of Congress from 1910 to 1925, before coming to the United States Senate. President Roosevelt appointed him to the Supreme Court, but in 1941 he resigned to assist directly in the war effort. He served first as Director of Economic Stabilization, then as Director of War Mobilization. It was during this period that he became known as the "Assistant President"—in recognition of his power and influence. President Truman appointed him Secretary of State in a crucial period for American foreign policy. In 1950, after an outstanding career of national and international influence, he returned to South Carolina and was overwhelmingly elected Governor of our State. As Governor, he exerted a strong and positive leadership. His interest in the public affairs of our State and Nation extended right up until his death.

While some may feel that Governor Byrnes' greatest achievement was in helping President Roosevelt win World War II, it is my judgment that perhaps his most outstanding and far-reaching achievement came during his tenure as Secretary of State. It was during this extremely crucial period, immediately preceding and following the end of World War II, that the United States forged the basic posture of American foreign policy in the post-war era. This policy was established by Secretary Byrnes and President Truman, and was strengthened later by Secretary Dulles and President Eisenhower. The policy in essence was that the United States accepted the leadership of the free world, and would not acquiesce in the face of Soviet efforts to extend its own power and influence. Byrnes, a perceptive man, refused to allow Russian co-operation against the Axis powers during the war to blind him to the nature of Soviet policy and initiatives following the war. He saw clearly that the Soviets intended to pursue a policy which was expansionist and imperialistic and which encompassed a final goal of world domination. Byrnes also saw that only the United States possessed the power to prevent the Soviet Union from achieving its goal.

While many people, probably Byrnes included, question the extent and dedication to which the Kennedy and Johnson Administrations followed this basic policy, it nevertheless remains as the keystone of post-war American foreign policy. It seems particularly appropriate to remember that immediately following the end of World War II, many Americans yearned for a return to a policy of isolationism and withdrawal from world affairs and responsibilities. Secretary Byrnes saw the self-defeating character of such a policy, and helped guide the United States toward an unaccustomed position of leadership in the world. His toughminded wisdom was far-reaching, and the world today enjoys a greater measure of freedom for his efforts. Today those who would have the United States abdicate its responsibility to the free world do well to recall the vision of James F. Byrnes.

South Carolina mourns Byrnes' passing, but we know his achievements will live on beyond him. That, indeed, is the mark of a great man.

Mr. President, a number of articles, documentaries, and editorials have been published recently about the life and career of James F. Byrnes. A number of such tributes have been written since the unveiling of a statue of Governor Byrnes on May 2 in Columbia, S.C. I ask unanimous consent that these recent articles and editorials be printed in the RECORD at the conclusion of these remarks.

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

JAMES FRANCIS BYRNES DOCUMENTARY

Mr. NEWCOMB. James F. Byrnes loved his state and her people. Born in Charleston, entered public service in Aiken, South Caro-

lina. He spent many years away from South Carolina serving the state and his nation in Washington as an elected and appointed official in Congress, on the Supreme Court, in the White House and in the State Department. He urged the young people of today to enter public life. On the political scene he pledged his support to men in the arena who best represented his views regardless of their party affiliation. This is best seen in the message delivered to fellow South Carolinians in 1960 as he came out for the Nixon-Lodge ticket.

Mr. BYRNES. If Senator Kennedy holds Vice President Nixon responsible for all of what he considers the weaknesses of the President, then certainly Nixon should be credited with some of the accomplishments of the Administration, not the least of which is that since the end of the Korean War, we have lost no American boys in combat, and we have preserved peace with honor. It has been almost eight years now since we picked up our morning newspaper to read the casualty list. My prayer is that the parents of this day will not be forced to again read those lists. I believe sincerely that prayer is more likely to be granted if the people of the United States elected their President, the able and experienced Vice President, Richard Nixon. I do not tell any person how to vote. That is an individual right which everyone must exercise according to his own conscience. But as I have considered this question for myself, I recall the words of a former President:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what life I have. I will stand with anybody who stands for right, keep with him while he is right and part with him when he is wrong.

Mr. NEWCOMB. This was the Byrnes that carried South Carolina through the greatest educational advances in the state's history. This was the Byrnes that South Carolinians stood up for and stood behind. U.S. Circuit Judge Donald Russell was a member of the law firm in which Byrnes had a partnership in Spartanburg and worked with Byrnes when he was head of War Mobilization and Secretary of State. He recalls this little publicized fact about the Governor.

Judge RUSSELL. One thing about Mr. Byrnes that a lot of people don't realize—he didn't go to college, but I don't know anyone that I have come in contact with, and I say that based upon my experiences at the University as president, I don't know anyone who was a deeper student or one who had a finer sense of the niceties and nuances of the language than Mr. Byrnes. He was a superbly self-educated man who was the equal of anyone who had a Ph.D. He was evidence to any young person that if you have the will, you can educate yourself. He was a remarkable man in that regard.

He also was a person of very singular high purpose and character. I remember on one occasion when I was present that a political figure of considerable prominence talked to Mr. Byrnes. He was very distressed about a vote to come up in the Senate. He didn't know how to vote, and he was talking about the conflicting forces back home and the effects on it. Mr. Byrnes told him:

"I always had one rule that served me well whenever I used it; and that was, I always voted what I thought was right" and said it has always turned out the best political course. I think that was true throughout his career. A person of high character and high purpose, as I said. He did what he thought was right, and I think that gave him inner feeling of rightness, and I think that is probably the reason he lived to be 93 years of age because he had that feeling.

Mr. NEWCOMB. Though he received no formal higher education, Byrnes served on the Converse College Board and the Clemson University Board of Trustees. Clemson University Library requested and received all the Byrnes papers during the sixties. Governor Byrnes reminisced with the Vice President of Development, Wright Bryan, in the Byrnes Room prior to the dedication of that room.

Mr. BRYAN. Mr. Byrnes and I are here in the James F. Byrnes Room at the Clemson Library, and we are surrounded by the mementos of his career in Washington and in South Carolina. He has his arm on the chair which he occupied as Secretary of State in the Executive Branch of the Government. Just beyond the chair is the desk he occupied as a member of the House of Representatives, the first post in which he went to Washington, and on the wall over there, Governor, I see your robe as Associate Justice of the Supreme Court.

Mr. BYRNES. Yes, I have been looking around this room for the last few minutes, and I am terribly impressed by the work that has been done by the people here at Clemson, and I must say that I am affected, too, because these things are intimately connected with my public life; and today as I look at them, I recall some of the things that happened in each of the offices that I had during my long service.

Mr. BRYAN. It may not be a fair question, but which of the three branches of the government service—Executive, Judicial or Legislative—did you find the most to your taste?

Mr. BYRNES. Well, frequently I have been asked that question. I have said that I thought of the services rendered, of course, Director of War Mobilization, which Mr. Roosevelt referred to as being Assistant President, had greater power, and in it or in the discharge of its duties there was great excitement, but I think after all I liked my service in the United States Senate at the particular period in which I was permitted to serve. However, I must admit I may be influenced in that opinion by the fact that during that service I was fifty to sixty, and there's a lot of difference between service rendered between fifty and sixty and in later years.

Mr. BRYAN. George Patton?

Mr. BYRNES. Oh, yes, than whom there was no other. Patton was a man's man I knew Mrs. Patton and his daughter well; and when I was out there with General Marshall at the front in 1944, Patton had a day off from his command, and I spent that day with him. I shall always cherish the memory of that wonderful day. He told me that he had one desire. He wanted me to ask the President to assign him to take charge of that campaign against Japan, and he said you can tell him I promise him that if he will do that, with this crowd we've got over here in Europe right now, we will bring the Japanese end of the war to a termination in a very short time, and I believe the man would have. He had the ability to arouse the enthusiasm of general officers as no other man could.

Mr. BRYAN. In a little bit lighter vein, we have all around the room various cartoons, the originals of cartoons bearing on the Governor's career. Which one of these is your favorite, Governor?

Mr. BYRNES. Oh, I think the one to my left over here where Berryman, who was the cartoonist for the *Evening Star* in Washington and who had the gift of putting all the power of an editorial into a cartoon. That cartoon showing the Russian representative, the British representative, Bevin, and me having grown long beards and with our walking sticks hanging on the chair was so true of any negotiations of the Soviets. They would take a month to prepare to get ready to discuss when the conference would begin.

Mr. BRYAN. I think you were the first to warn us of the Russian delays, and we certainly needed that warning.

Mr. BYRNES. I did say this when I started out because I knew we had a right to expect half a century of peace, but we must have patience, but after dealing with the Soviets for awhile, I found out they were not affected about the horrors and the devastations of war. They were determined to dictate to all mankind, and I knew then that there was no hope for us unless we changed from patience to firmness. I believe now that the only salvation for the future and the only chance for us to remain as free people is to be firm and to see that spiritually, economically as well as militarily we are strong.

Mr. NEWCOMB. While Mr. Byrnes was always confronted with serious decision-making, when the opportunity availed, he had a wit and a sense of humor which delighted many an audience. We will take excerpts from just one speech, selecting the humorous spots and bring them to you now.

Mr. BYRNES. Mr. President and distinguished guests; of course I am deeply touched by the words of praise, particularly the kind statements of Dr. Edwards. Some of you should be disposed to think he has exaggerated my accomplishments. I want to tell you that I have always regarded him as a very truthful man.

The Trustees of Clemson by formal resolution, unanimously adopted, requested that I leave all my files to Clemson and pledged that should this be done the University would make them available to students and historians who might express a desire to see them. I agreed and proceeded to draft and execute another will carrying out that agreement. I have not regretted it, though I must say at the time I was a little disturbed by some of the trustees referring to my "leaving." I had no plans to leave, and I haven't got any now.

Some years ago Clemson honored me with such a degree. I then stated that in my youth I was deprived of the opportunity to receive a formal education, but in my old age I was being educated by degrees. There is one that I recall, the citation from Yale University. One sentence in it impressed me greatly and flattered me. Of me it said: "He has shattered the tradition that energy does not exist below the Mason-Dixon Line."

A man has a sense of humor, and then he is a wise man and a good observer. Also among the papers are the original manuscripts of my two books, *Speaking Frankly* and *All in One Lifetime*. I am not advertising them because you can't buy them. I have learned that they have been sold out and you have to pay a premium for them, and I don't think they are worth the premium that is being paid.

Mr. NEWCOMB. On two occasions Richard M. Nixon came to South Carolina to visit James F. Byrnes—first, as a candidate in 1968 and the second time as the President of the United States in 1970. Here are filmed excerpts from those visits.

Mr. Byrnes came to Greenville in the fall of 1968 for a reception in his honor. It was held the same day that Candidate Richard Nixon made a campaign stop in Spartanburg and Greenville. In a few more weeks Mr. Nixon would become the President of the United States.

Mr. NIXON. This is one of the times when as far as television is concerned I am delighted to be on it. I ought to say that everybody here in South Carolina, of course, knows the Governor's background and most people in the nation do; but stepping aside from the political scene for a moment and looking at the great men that I have known, I would say that there is probably no man in this century who has been great in more different assignments than Jimmy Byrnes. Let's look at this life. He was great as a Congressman and then as a Senator, and then beyond that as Director of the Office of War Mobilization and then as a Justice of the Supreme Court of the United States and then as Secretary of State and then as Governor of his own State of South Carolina. When you look at all of those offices—at the state level, at the Federal level and the Ex-

ecutive, in the Legislative and the Judiciary—certainly there is no man in America in my memory who can match it, and I am just proud to be here with him, proud to be here in a completely nonpartisan, bipartisan character to know him as a friend, one whose good counsel I always am glad to get. As a matter of fact, if I had taken it more often, I wouldn't be here trying to be elected to President for the first time. I would have already made it.

Mr. BYRNES. You know, a while ago I asked Mrs. Daniel, Charlie's widow, to come over, and I introduced her to your wife whose name is Pat; and I told her that her name was Mickey and her name was Pat, and they were talking to a man by the name of Byrnes. That sounded Irish to me, but really he has the blarney, and he has laid it over me just now, and I liked it. Furthermore, I am going to admit the truth of everything you said.

Mr. NIXON. Right, right.

Mr. BYRNES. I only hope that the next time you come to South Carolina, I shall greet you not as Dick but as Mr. President.

Mr. NEWCOMB. President Nixon came back to South Carolina the following May for a 90th birthday celebration at the Byrnes home, thus fulfilling that hope voiced by the Governor that the next time the two met Byrnes could call Nixon "Mr. President."

President NIXON. If I could have your attention for just a moment. It has been a very great honor and privilege for Mrs. Nixon and for me and for the members of the Senate and the House to come here to join in this tribute to Governor Byrnes and to Mrs. Byrnes. And I think really the character of this wonderful family is indicated when the Governor said, as we came in the house and wished him happy birthday, he said that he wanted to make clear that the main purpose of this day was not to celebrate his birthday but the 63rd wedding anniversary of Mrs. Byrnes. So we honor that wonderful family relationship. I understand the Governor's secret, and Mrs. Byrnes told me when asked if they ever had an argument in the 63 years, and she said, "Yes, now and then." But they always had a rule that before the day ended they kissed and made up. So that's the argument, or at least the way they ended it.

I want to leave one thought with regard to the Governor as we honor him. I look back over the men that I have known around the world and in this country, and I have known great Congressmen, Senators, Governors, Justices of the Supreme Court of the United States, Secretaries of State and men who have served in wartime as the top advisers to the President of the United States, but never in American history has one man held more high offices with more distinction than Governor Byrnes of South Carolina.

Mr. NEWCOMB. The President of The Spartan Radiocasting Company, owners of WSPA AM, FM and TV, Walter J. Brown, was a long time associate and a close personal friend of Governor Byrnes. Mr. Brown recalls some very personal moments in his association with Mr. Byrnes.

Mr. BROWN. President Franklin Roosevelt in one of his rare uses of air transportation in reaching a summit conference paid to James F. Byrnes what I consider one of his greatest tributes.

The wartime President who disliked to fly was high in the sky at night and not only subject to danger from aircraft failure but a security leak which could have attracted Hitler's planes. At his side was Harry Hopkins, his trusted assistant. As they looked out at the stars, the subject came up as to who was the best qualified American to take over the reins of government if something should happen to their plane. Franklin Roosevelt named James F. Byrnes as that American.

This story was told to me by Harry Hopkins after he returned to his office in the East Wing of the White House where Justice Byrnes was then running the domestic side of government. So complete was Mr. Roosevelt's trust of Justice Byrnes that when he would leave on these extended trips abroad, he would sign in blank executive orders for the South Carolinian to exercise the tremendous war powers conferred upon the President. These orders were locked up in a safe in Mr. Byrnes' office, and certainly no greater trust could any President have in any man than to give him blanket power to use his war powers if an emergency developed while he was out of the country.

My association with Mr. Byrnes began when he first came to the Senate after defeating Cole Blease in 1930. He was an all-American senator in every sense of the word. I think he was happier there than in any other position he ever held.

Few people knew it, but President Roosevelt wanted Mr. Byrnes as his running mate in 1940 instead of Henry Wallace. Mr. Byrnes called me in Spartanburg just before the 1940 Democratic Convention and told me to go immediately to Chicago with all my files and begin working on a Vice Presidential acceptance speech in case he should be nominated. Soon after we arrived in Chicago, he told me of the President's conversation with the Archbishop of New York in which the President asked him if Byrnes' leaving the Catholic Church to become an Episcopalian would be detrimental to the Democratic ticket as the Vice Presidential nominee. His reply was in the affirmative.

When Mr. Roosevelt related his conversation with the Archbishop to Mr. Byrnes, he immediately asked that no further consideration be given to him for Vice President.

I was quite upset when Mr. Byrnes told me this story, but I shall never forget his comment:

"Walter, I was defeated for the Senate in 1924 because of the religious issue, and I know what it means in a political campaign. I believe for the good of the country and the world Mr. Roosevelt must break the third term tradition and be reelected. If my being on the ticket should cost him the election, I could never forgive myself."

When 1944 came around and the Democratic leaders realized another Vice President had to be found, again Mr. Byrnes was the logical choice. There was no third term issue, and having left the Supreme Court and as his Assistant President, Mr. Roosevelt again gave the South Carolinian the nod. We packed up and went to Chicago and took over the Presidential Suite at the Conrad Hilton. Harry Truman came by to show us his speech nominating Byrnes, and all details were set even to selecting the music which the huge pipe organ would play when Byrnes' name was placed in nomination.

Then Ed Flynn, of New York, Labor Leader Sidney Hillman, the Director of the NAACP and others who were irritated with Byrnes because of the orders he had issued as Director of War Mobilization got through to the President on his Pullman car en route to the Pacific, and again the South Carolinian was sacrificed in the name of political expediency.

At this time Mr. Byrnes again proved his devotion and loyalty to his country beyond measure. His friends urged him to stay in the race, and there was a good chance he could have won.

But Mr. Byrnes said he would not think of having his name placed before the convention unless he resigned. Thinking of those signed executive orders in his safe and the President to be away in the Pacific for several weeks, the South Carolinian recognized his duty was to return to the White House and look after the President's business. I believe this was Mr. Byrnes' greatest disappointment in life. We immediately returned to Washington; and as our train came in view of the Capitol, Mr. Byrnes turned to me and said:

"Walter, I would give all I own to be back in the United States Senate."

But like a good soldier, he was at his desk at the White House the next morning at eight. He accompanied the President to Yalta and agreed to stay on in the White House until our troops crossed the Rhine.

Only time and objectivity will properly measure the eminence and service of this devoted South Carolinian. But when the true history of our times is written, the name of James Francis Byrnes will stand out as one of the great Americans of the 20th Century.

Mr. NEWCOMB. Tomorrow James Francis Byrnes will be laid to rest in his native state of South Carolina. He leaves much for those who follow him to strive for. His public life which spanned a half century will never be equalled. His decisions for his nation and for his state will affect the lives of generations yet unborn. Our greatest tribute to him can be summed up in just four words: James Francis Byrnes, statesman.

JAMES F. BYRNES, 1879–1972

The memory of James Francis Byrnes will remain alive in South Carolina so long as history has meaning, but from today on that memory will be reinforced visually by a handsome statue of the late, great Carolinian, to be unveiled at midday.

Both the timing and the placement of the statue are notable, for they link the man in perpetuity with the institutions—and the experiences—which marked his long and fruitful life. May 2 was his birthdate (in 1879) and his wedding date (in 1903). And the second of May follows hard on the heels of Law Day, again a fitting coincidence for a man who devoted so much of his career to the law. Appropriately, the statute depicts him in the robes of a justice of the United States Supreme Court.

The site is significant, for it positions his bronze likeness facing the State House, wherein he served four years as South Carolina's chief executive, capping a lifetime of public service which had begun in 1900. And to his left lies Trinity Episcopal churchyard, where he was laid to rest just three weeks ago.

But the shadow of James F. Byrnes extends far beyond the South Carolina soil which he loved so dearly. It looms large in Washington, and it touches the many nations which felt his influence as Secretary of State of the United States.

It is noteworthy, for example, that his passing was noted afar off in Stuttgart, where appreciative Germans still recall his momentous address of September 6, 1946.

"Byrnes's name," said the Stuttgarter Zeitung on the occasion of his death, "will always remain tied to Germany. His statements signaled a decisive change of American foreign policy and awakened new hope in the hearts of millions of frightened people."

But it is here in South Carolina that his name will be best remembered, not alone for achievement but for opportunity. The General Assembly perceptively noted that facet of the Byrnes story when, in designating May 2, 1972, as "James F. Byrnes Day," it observed that those who henceforth pass by the statue will realize that "this is indeed the land of opportunity for those who dare to seek it.

From humble beginnings, James F. Byrnes sought opportunity, found it, and, with it, found fame.

[From the North Charleston (S.C.) Banner, Apr. 19, 1972]

JAUNTY JIMMY

How do you mourn a man like James F. Byrnes? Maybe one does not mourn the individual man quite as much as one mourns the passing of history, the dying of an era.

Surely, Jimmy Byrnes belonged to that special time in American history when a united nation gathered its will and its strength to fight the last battle of its kind. Surely, he

belonged to that special breed of world leader blessed with the particular ability to inspire people at the time when inspiration of any kind was in short supply.

Surely, Jimmy Byrnes was a member of that kinfolk which led the nation and the world through one of the darkest times since creation and out, again, into the light.

Their number is growing fewer. Winston Churchill, the bulldog who led England through the Battle of Britain and the dark days of North Africa, is gone. Dwight Eisenhower, the man who crushed the Nazi war machine in Europe, is gone. Franklin Roosevelt, who carried his country back from economic destitution and inspired it to win a global war, is gone. So is Douglas MacArthur, the grand strategist in the Pacific. And now Jimmy Byrnes, who was right up there with the other departed before him.

It befalls the lot of newspaper editors the world over to speak of death and dying each day, so much so that our lot becomes insulated to it.

But when a man such as Jimmy Byrnes leaves us, it somehow jerks us back again, makes us realize that a dwindling group of special people is growing smaller with time.

They buried "jaunty Jimmy" Byrnes in Columbia the other day. The nation is not like to see his kind again. And the contemplation of that fact is the saddest aspect of his passing.

[From the Berkeley Democrat, Apr. 19, 1972]

LET US EMULATE HIM

Jimmy Byrnes was eulogized last week as a good and great man.

The words of praise were spoken by Gen. Lucius D. Clay, a life-long friend who knew him well as "Justice Byrnes." Others who praised him knew him well as a newspaper editor, a U.S. representative, a U.S. senator, the secretary of state, the director of economic stabilization and war mobilization during World War II, a delegate to the U.N. General Assembly, and last, but not least, as governor of South Carolina.

He was a "live-wire," as he said of himself when he ran for office the first time. A self-made man. A man who left the Low Country with no more than a ninth grade education, he became one of the most respected statesmen and leaders America and the world have known in this century.

He was respected because even though a powerful man who shaped the world with Roosevelt and Stalin, no one was too small for Jimmy Byrnes and everyone was important. Demagogue and worker, they could all see that he was a man determined to pursue righteousness through power.

But many people today who never knew Jimmy Byrnes and who heard little of him since his retirement from the glorified political life, admire him because they can look back and see that he never stumbled. When America needed him to direct the war effort, he worked so closely with President Roosevelt that he was known as the "assistant president." When he could have reaped the rewards of his dedication in being chosen as a vice-presidential candidate, he was passed over because he was from the South.

But the self-made man did not stumble when fate dealt him this blow. As was his character he went on to achieve what may have been a more endearing office for the man from South Carolina. He became governor of the state at 71.

Jimmy Byrnes never gave up. In his goodness he achieved his greatness. Because of that he is someone for all of us to emulate.

[From the Star-Reporter, Apr. 20, 1972]

BYRNES AS PRESIDENT

We have often wondered what the course of this country would have been if South Carolina's late James F. Byrnes had gotten the vice-presidency in 1944 instead of Harry S. Truman.

We do not believe Byrnes would have let us lose the Korean war, which to our mind was the first Communist testing point as to what the United States would do. When Truman and his advisors of that day let us come out of the Korean incident as it was called without a clear-cut victory, such as was won in Germany and Japan, that was the signal for the Communists to start the brush fire wars all over the globe—the latest of which is Vietnam which many living today may not live long enough to see concluded.

We do not believe Byrnes would have permitted the excesses in appropriations, taxes that have plagued us in the last 20 years though to Harry Truman's credit it must be said that he presented the nation with a balanced budget one year during his term—1949 as we recollect.

Byrnes might also have prevented the Democratic party from falling into the hands of the ultra-liberals.

THE BYRNES MEMORY

In future years historians writing about the greatest war in history will often mention the man who actually ran the United States on the domestic front as "assistant President" under Franklin Roosevelt. He was Jimmy Byrnes, who died at 92 recently in Columbia, South Carolina.

Few Americans have served their country in so many posts, with such distinction. Byrnes was an editor first, then an outstanding Congressman and Senator, then a Supreme Court Justice and then named by Roosevelt to be the nation's mobilization director and wartime czar on the domestic front.

Though Roosevelt suggested he take a leave of absence from the court, Byrnes felt he should resign. Roosevelt at first favored Byrnes as his Vice Presidential nominee on the 1944 ticket but organized labor blocked him and, ironically, the man who was supposed to nominate him, Harry Truman, was nominated instead. Truman graciously named Byrnes to the top post in his Cabinet, Secretary of State.

But Truman and Byrnes eventually differed and Byrnes retired to his home state of South Carolina and served there as Governor, later changing his party affiliation to Republican. Few men have come so close to the Presidency and missed. Had Roosevelt stuck by his inclination against the wishes of organized labor, Byrnes would have run with him and become President in April of the next year, 1945. Such are the fascinating might-have-beens of political history.

[From the Durham (N.C.) Herald, Apr. 17, 1972]

OTHER EDITORS SAY THE BYRNES RECORD

During his political career that spanned almost half a century, James F. Byrnes, who died Sunday at age 92, made many valuable contributions of public service to the nation.

His career and the many offices he held touched many facets of American life.

Included in the list of offices held by the Charleston native are U.S. representative, U.S. senator, associate justice on the Supreme Court, Secretary of State, director of economic stabilization and war mobilization during World War II, delegate to the United Nations General Assembly, and governor of South Carolina.

In the World War II years when he served as war mobilizer and economic stabilizer, Mr. Byrnes played a vital role in domestic affairs, so much so that he was referred to as "assistant president."

He served with distinction during that critical period, when President Franklin D. Roosevelt was centering his own attention on the conduct of the war, and in the latter part of the war, after Mr. Roosevelt's death, was an intimate adviser of President Truman.

The wide range of Mr. Byrnes' public service reached into county and state offices in South Carolina, and into the three branches of government at the federal level.

His service reached into domestic affairs and into world affairs, and it extended into both Democratic and Republican parties.

After winning honors for his service as a Democrat, he broke with that party in 1952, and in 1968 supported Richard Nixon in his campaign for the presidency.

Mr. Byrnes will be remembered for his long service and for the many offices he held.

He will be remembered for his ability to answer the call when another office beckoned.

He was a man of many talents, as he demonstrated during his long and useful career.

At times he was a man of controversy, but he was a man of dedication.

He will be remembered for his many contributions in his record of public service covering almost half a century.

[From the Greenville (S.C.) News, Apr. 30, 1972]

STATUE OF JAMES F. BYRNES TO BE UNVEILED ON TUESDAY

COLUMBIA.—For the first time in 32 years, South Carolinans will have the opportunity to witness the unveiling of a statute on the State House grounds in Columbia.

At 12:15 p.m. Tuesday, ceremonies will begin for the unveiling of a statue of the late James F. Byrnes. It was on May 1, 1940 when then United States Senator James F. Byrnes made the dedicatory address at the unveiling of the statue of Ben Tillman.

Mrs. James F. Byrnes will unveil the Byrnes statue on the 66th anniversary of her marriage to the late Mr. Byrnes and of what would have been Mr. Byrnes' 93rd birthday.

Also attending will be Mrs. Byrnes niece, Mrs. Frances Fuller Miner from New York, and his great-nephew and namesake, young James F. Byrnes Miner.

The principal address will be made by General Mark Wayne Clark whom Mr. Byrnes brought to South Carolina to head up The Citadel.

Speaking briefly will be Dr. W. E. Rowe of Chattanooga, Tenn. Dr. Rowe is a former Byrnes Scholar and will be speaking in behalf of the more than 300 Byrnes Scholars. About 60 Byrnes Scholars are expected to attend.

The Byrnes statue is the brainchild of the late Senator James H. Hammond who set up an organization to solicit funds for a statue to honor his long-time friend, James F. Byrnes.

Entirely financed by private contributions, the statue is one and a half times life size and shows Mr. Byrnes in his U.S. Supreme Court Justice robe seated on a bench. Charles Parks of Delaware was the sculptor.

The statue will be situated on the northeast corner of the State House grounds, at the corner of Gervais and Sumter Streets, directly across Gervais Street from the S. C. Supreme Court Building.

People from throughout South Carolina and other States, some from as far away as California, are coming for the ceremonies. Also attending will be a Winthrop College Class studying South Carolina government.

The S. C. General Assembly will march in an official procession to participate at the unveiling. A Concurrent Resolution unanimously passed in March 1972 by the legislature officially proclaims May 2, 1972 as "James F. Byrnes Day".

The statue will be presented by N. Heyward Clarkson, Jr., Vice-President of the Byrnes Foundation, to the people of South Carolina.

Governor John C. West will accept the statue in behalf of the people and the state.

[From the State (Columbia, S.C.) May 1, 1972]

UNVEILING OF BYRNES STATUE TUESDAY

The bronze image of James F. Byrnes in his U.S. Supreme Court robes will be unveiled Tuesday on the State House grounds, across Sumter Street from his Trinity Churchyard grave.

Before his death three weeks ago Byrnes had planned to participate in the ceremonies, Instead, his widow, Mrs. Maude Byrnes will unveil the statue on what would have been the couple's 66th wedding anniversary and Byrnes' 93rd birthday.

Now hidden by plywood walls, the statue is one and a half times life size with the robed Byrnes sitting on an unadorned granite bench. It was sculpted in Delaware by Charles Parks, who will attend the ceremonies.

The brief program will be a tribute to Byrnes' many careers as governor, senator, congressman, U.S. secretary of state and architect of American policy as "assistant president" to Franklin D. Roosevelt.

Family members attending with Mrs. Byrnes will include Byrnes' niece, Mrs. Frances Fuller Miner, and his great-grandnephew and namesake, James Byrnes Miner.

Most of the South Carolina congressional delegation is expected to attend along with numerous state dignitaries.

At 12:15 p.m., the S.C. General Assembly will march in procession from the State House to reserved seats in the monument's grassy surroundings.

The Ft. Jackson Band will play "The Star-Spangled Banner" and Bishop John A. Pinckney of the Upper South Carolina Episcopal Diocese will give the invocation.

N. Heyward Clarkson of Columbia, vice president of the James F. Byrnes Foundation, will outline the history of the statute project which germinated in the mid-1960's.

The monument's cost of about $30,000 was defrayed entirely by contributions, pursuant to Byrnes' wishes. Byrnes once told legislators who approached him about a statue that he didn't want any tax money spent on a statue in his memory.

Dr. W. E. Rowe of Chattanooga, Tenn., general surgeon, will pay tribute on behalf of the country's more than 300 Byrnes Scholars, one of the elder statesmen's favorite projects in later years.

Byrnes established the Scholars in 1949, giving money to youngsters who had lost one or both parents and whose chances of attending college were at best remote. To them he became "Pop Byrnes."

Gen. Mark Clark, whom Byrnes brought to South Carolina as president of The Citadel during his governor years, will deliver the main address.

Mrs. Byrnes will then unveil the statue to be accepted by Gov. John C. West on behalf of the state.

Bishop Pinckney will give the benediction.

[From the News and Courier, May 2, 1972]

BYRNES MONUMENT

Unveiling of a monument to James F. Byrnes at 12:15 today on the State House grounds in Columbia is a timely tribute to a statesman and native son while his memory still is fresh among his fellow South Carolinians. The occasion is his birthday anniversary and also the anniversary of his wedding to the former Maude Busch of Aiken.

Mr. Byrnes died April 9, 23 days before reaching his 93rd birthday anniversary. Planning for the monument began nearly five years ago.

Sculptured by Charles Parks of Delaware, the statue shows Mr. Byrnes in the robe of a justice of the U.S. Supreme Court, seated on a bench. While the robe is a fitting costume for a statue, covering the contemporary clothing which sometimes makes a subject appear dated, Mr. Byrnes' brief term on the court was not the high mark of his extraordinary public service. In the Congress and as "assistant President" during World War II he exhibited best those exceptional qualities for which he is famous. He chose to cap his career with a term as governor of South Carolina.

On this happy occasion The News and Courier repeats its applause for a distinguished citizen whose memory is cherished by countless admirers.

[From the Columbia, S.C., State, May 2, 1972]

GOVERNOR BYRNES STATUE TO BE UNVEILED TODAY

A bronze statue of the late James F. Byrnes will be unveiled Tuesday on the State House grounds across the street from quiet Trinity Episcopal Churchyard where the former governor was buried three weeks ago.

The former secretary of state's widow, Maude, will unveil the statue during noon hour ceremonies on what would have been Byrnes' 93rd birthday and the couple's 66th wedding anniversary.

Byrnes, who served as an associate justice of the U.S. Supreme Court, congressman, U.S. senator and earned the nickname, "assistant president" during World War II, died at his Columbia home last month after a lengthy illness.

The statue, one and a half times life size, shows Byrnes seated in his Supreme Court robes. It was sculpted in Delaware by Charles Parks, who will attend the unveiling ceremonies.

It is on the northeast corner of the State House grounds across Gervais Street from the State Supreme Court Building and across Sumter Street from Trinity Episcopal Church.

At 12:15 p.m. members of the S. C. General Assembly will march in procession from the State House to take part in the official dedication proceedings.

Most members of the South Carolina congressional delegation and a number of state and local officials are expected to attend the 45-minute services.

The U.S. Army Band from Ft. Jackson will perform during the presentation and the Rt. Rev. John A. Pinckney, bishop of the Episcopal Diocese of Upper South Carolina, will deliver the invocation.

Gen. Mark W. Clark, former president of The Citadel and a longtime friend of Byrnes will deliver the main address. Dr. W. E. Rowe of Chattanooga, Tenn., will pay tribute to Byrnes on behalf of the more than 300 Byrnes Scholars.

Byrnes established the scholarship program in 1949, to give orphans and children with only one parent a chance to go to college.

N. Heyward Clarkson, Jr., of Columbia will deliver the introductory remarks and trace the history of the statue project which began in 1967 under the direction of late State Sen. James H. Hammond of Columbia.

The statue, which cost an estimated $30,000, was paid for entirely by private contributions coming primarily from Palmetto State residents.

Gov. John C. West will officially receive the statue in behalf of the state after it is unveiled by Mrs. Byrnes.

Gervais Street will be closed from Main to Marion and Sumter Street will be closed from Senate to Lady from 11:45 a.m. to 1 p.m.

Byrnes' statue is the first to be erected on the State House grounds since May of 1940 when Byrnes gave the dedicatory address at the unveiling of a statue of former Gov. Ben Tillman.

Among those family members expected to attend the ceremonies are Byrnes' niece, Mrs. Frances Fuller Miner of New York and his grandnephew and namesake, James F. Byrnes Miner.

[From the Columbia, S.C. State, May 3, 1972]

BYRNES STATUE UNVEILED

(By Robert G. Liming)

Words of praise flowed Tuesday amidst sunny skies and balmy temperatures during formal unveiling ceremonies of a bronze statue of the late Gov. James F. Byrnes.

More than a 1,000 friends, associates of the former secretary of state and a host of state officials attended the noon hour services on the State House grounds.

"He was patriot and politician, perfectly equipped to perform both private and public services whether in war or peace, whether in lowly offices or high," was the way Gen. Mark W. Clark described the late statesman.

Byrnes widow, Maude, unveiled the statue which shows the former U.S. Supreme Court justice seated in his court robes and said it was a "wonderful likeness" of her husband.

The dedication ceremonies took place on what would have been Byrnes 93rd birthday and 66th wedding anniversary and were the highlight of the official observance of James F. Byrnes Day.

During the services a telegram from President Richard M. Nixon praising the statesman, who died at his Columbia home last month after a lengthy illness, was read to the large crowd.

"It is a pleasure to join the family of the late Gov. Jimmy Byrnes and the fellow South Carolinians who unveil a statue memorializing his lasting accomplishments.

* * * * *

Also sending their tributes and messages of regret that they were unable to attend were Army Chief of Staff Gen. William C. Westmoreland and U.S. Sen. Strom Thurmond, R–S.C.

The statue, which is located on the northeast corner of the State House grounds was sculptured by Charles Parks of Delaware and was paid for by more than $30,000 in private contributions.

Clark, who delivered the keynote remarks at the dedication ceremonies, called Byrnes a "man for all offices" and said the late statesman "was ahead of his time in recognizing the true menace of Communism."

A close friend, Clark said of Byrnes. "It is rare in political beings, but he was, to put it in a word, humble. His devotion to the education of deserving young people was one of his most cherished accomplishments."

Clark, who came to South Carolina at Byrnes request to be president of The Citadel, said, "I feel deeply indebted to Mr. Byrnes for his influencing me to come to this great state which still has more patriotism and true Americanism per square mile than any other place in the land."

Dr. W. E. Rowe of Chattanooga, Tenn., one of more than 300 Byrnes Scholars, gave a moving account of the late governor's effort to provide needy youngsters with a college education.

* * * * *

Gov. John C. West officially accepted the one and a half times life size statue on behalf of all of the people of South Carolina.

"In accepting this statue on behalf of the people of South Carolina, there is a feeling that we are participating in a moment of special importance in the history of our state," West said.

He added, "Great men will continue to appear, but for South Carolina, and for the nation, there will never be another James F. Byrnes.

"We are not here today, however, simply to honor his memory, simply to pay tribute to his many accomplishments, simply to recall his deeds.

"We are here to observe the permanence of his influence on our state and to perpetuate his work as an enduring part of the living

history of South Carolina," the governor said.

Also speaking during the State House services were N. Heyward Clarkson Jr. of Columbia, who traced the history of the statue project, and Mrs. Frances Fuller Miner of New York, Byrnes' neice.

Willie Byrd, the late governor's longtime chauffeur, and Byrnes' grand-nephew James F. Byrnes Miner, were also introduced at the ceremonies.

Following the hour-long ceremonies a private luncheon for friends, directors of the Byrnes Foundation and invited guests was held at the Town House Motel.

During the luncheon U.S. Circuit Judge Donald S. Russell a former law partner of Byrnes, praised the statesman for his "inflexible devotion to truth and justice."

Russell recalled some of his experiences with Byrnes and described him as "a tower of strength" during his tenure on the U.S. Supreme Court.

He said that Byrnes decision to deal directly with the emperor of Japan at the close of World War II, despite strong criticism, helped to prevent the partition of Japan.

Russell also had high praise for Mrs. Byrnes, saying she "is always gracious, a true lady and in my heart she will always be South Carolina's first lady."

Others recalling their friendships with Byrnes during his lifetime were Columbia attorney William F. Prioleau Jr. and Charleston businessman J. C. Long.

Prioleau, a former legal assistant to Byrnes while he was governor, said, "His place in history is absolutely secure."

Long recalled his long association with Byrnes and said of the man who spent nearly 50 years in public service, "He represented everything that I wished I possessed."

Others taking part in the luncheon remarks were J. Bratton Davis, Gov. West and the Rt. Rev. John A. Pinckney, bishop of the Episcopal Diocese of Upper South Carolina.

[From the News and Courier, May 3, 1972]

STATE ENSHRINES BYRNES

(By Hugh E. Gibson)

COLUMBIA.—South Carolina formally enshrined James F. Byrnes in her pantheon of heroes Tuesday, dedicating a bronze statue of its greatest statesman of this century on the tree-shaded northeast corner of the State House grounds.

The statue, half again life size, was the gift primarily of South Carolinians and old friends who contributed more than the $30,000 it cost. It stands less than a hundred yards from where Byrnes was laid to rest three weeks ago in the Trinity Episcopal Church grounds.

On hand to perform the unveiling was the widow of the World War II era "assistant president." It would have been their 66th wedding anniversary and Byrnes' 93rd birthday.

In the crowd of several hundred persons who attended the simple ceremony were most of South Carolina's living dignitaries, the General Assembly en masse, Byrnes' old friends and plain citizens who came to honor for the last time the statesman retired Army Gen. Mark W. Clark said had been "a man for all offices."

President Richard M. Nixon sent a message adding his praise of Byrnes, as did Army Chief of Staff Gen. William C. Westmoreland, U.S. Sen. Strom Thurmond and other members of South Carolina's congressional delegation.

Clark's was the dedicatory address and he used it to pay tribute not only to Byrnes the statesman, judge and diplomat but also to Byrnes the politician and the compassionate, humble man.

Byrnes had, said Clark, struck the "perfect balance" in demonstrating his ability in high offices in peacetime and in war.

"To put it in more up-to-date terms, Jimmy Byrnes was good enough to be on our All-American team forever," Clark said.

"Let it here be recorded that Mr. Byrnes was ahead of his time in recognizing the true menace of communism," Clark declared.

The crowd applauded when Clark expressed his appreciation that Byrnes, then governor, invited him to South Carolina to succeed Gen. Charles P. Summerall as president of The Citadel.

"It proved to be my longest, my most rewarding command and I was privileged to have a part in shaping the lives of thousands of outstanding young men who passed through the Corps of Cadets during my 10-year tenure at that great institution," Clark said.

There were other tributes. A former Byrnes scholar, Dr. W. E. Rowe of Chattanooga, Tenn., told how Byrnes had created and sustained his college scholarship foundation through his writings and thus opened the door of opportunity to some 350 youngsters.

Gov. John C. West, accepting the statue on behalf of the South Carolina people, termed it a special moment in history.

"Today we stand in the presence of greatness," West told the audience. "There will never be another James F. Byrnes."

Mrs. Byrnes, in a low and faltering voice, expressed her appreciation for the honor done her husband's memory. Byrnes' niece, Mrs. Frances Fuller Miner of New York, spoke briefly. His grandson and namesake, James F. Byrnes Miner, was introduced for a bow.

[From the Dillon (S.C.) Herald, Apr. 25, 1972]

THE BYRNES MEMORY

In future years historians writing about the greatest war in history will often mention the man who actually ran the United States on the domestic front as "assistant President" under Franklin Roosevelt. He was Jimmy Byrnes, who died at 92 recently in Columbia, South Carolina.

Few Americans have served their country in so many posts, with such distinction. Byrnes was an editor first, then an outstanding Congressman and Senator, then a Supreme Court Justice and then named by Roosevelt to be the nation's mobilization director and war-time czar on the domestic front.

Though Roosevelt suggested he take a leave of absence from the court, Byrnes felt he should resign. Roosevelt at first favored Byrnes as his Vice Presidential nominee on the 1944 ticket but organized labor blocked him and, ironically, the man who was supposed to nominate him, Harry Truman, was nominated instead. Truman graciously named Byrnes to the top post in his Cabinet, Secretary of State.

But Truman and Byrnes eventually differed and Byrnes retired to his home state of South Carolina and served there as Governor, later changing his party affiliation to Republican. Few men have come so close to the presidency and missed. Had Roosevelt stuck by his inclination against the wishes of organized labor, Byrnes would have run with him and become President in April of the next year, 1945. Such are the fascinating might-have-beens of political history.

[From the Sampson Independent, Apr. 20, 1972]

JAMES F. BYRNES

The titles he wore testified to the unprecedented powers exercized in 45 years of devoted public service by James F. Byrnes of South Carolina—Representative, Senator, Associate Justice of the Supreme Court, Stabilization director, "Assistant to the President," Secretary of State. He pushed through the early New Deal legislation of Franklin D. Roosevelt, passed on some of it, on the high bench; managed the wartime economy and mobilized the country through World War II.

President Nixon said of Byrnes, "No man in American history has held so many high positions of responsibility in all branches of our Government and discharged them with such distinction."

Born in poverty, Byrnes studied law while he was a messenger in a law office, and rose to the heights of American political life by his own efforts, his brilliance and his ability. Twice, he was passed over for Vice President by Roosevelt, the President he served so well. Nonetheless, he gave up a lifetime seat on the Supreme Court to be Roosevelt's right hand man in the war. He was an example of party loyalty and patriotism.

Harry Truman, who had been chosen over him for Vice President when it led to the Presidency in a few months, made Byrnes his Secretary of State. The cold war had begun and it was Byrnes' job to direct our side of it, as he had the home front in the world war. He also set in motion the rehabilitation of Germany as part of a Europe recovering from the ravages of war.

For a man who did not hold one of the top offices in the three branches of Government, Byrnes wielded great influence in all of them. His were the thankless jobs of seeing things through, and he did them superbly, with little fuss or bother. The country owes Jimmy Byrnes its thanks for a job well done and its prayers for the top place he deserves in the Hereafter.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in a speech given on April 12, 1972, in Tokyo, Mr. James M. Roche, past chairman of the board of General Motors, gave us a rather close look at some of the economic thinking of the world's largest transnational firm.

While rejecting the need for changes in America's trade and investment policy, Mr. Roche admits that overseas investment was at least partly motivated by the trade barriers of other nations. In other words, we live in a protectionist world of nation states, but America should stick by the old-fashioned rules of free trade.

Even a quick reading of his address makes clear that General Motors, like so many transnationals, is concerned with foreign investment abroad to supply the American market—not the expansion of American exports that would mean jobs at home.

With barely concealed glee, Mr. Roche cites the recent accord between General Motors and Isuzu. This new agreement does not mean that we will be selling Detroit-built cars in Japan. It was merely an opportunity for General Motors to invest in Isuzu and import their light trucks for the American market. More capital going out, few jobs at home, and more imports instead of domestic goods.

Mr. Roche points to the United States-Canadian automotive trade understanding as a model agreement under which production rose in both countries. It may look good to General Motors, but under that agreement the United States has moved from a trade surplus of $700 million in 1965 in automotive items to a trade deficit of $300 million in 1971. The transnationals like General Motors have profited, but America has not.

Mr. President, because this speech by Mr. Roche reveals so much about the thinking of the transnational corpora-

tions, thinking that is increasingly ignoring our own national interest, I ask unanimous consent that it be printed in the RECORD.

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

TRADE AND INVESTMENT IN THE WORLD ECONOMY

(By James M. Roche)

I am deeply honored to join in this distinguished gathering. Economic cooperation between Japan and the United States and the development of Southeast Asia hold considerable personal interest to me I visited Japan last year to conclude the negotiations that associated General Motors with Isuzu. And today General Motors is working on other ventures in Asia: in the Philippines, Malaysia, Korea, Thailand, and other countries.

The postwar history of our two nations has shown how our mutual interests are advanced by cooperation. We share many important areas of interdependence in trade, in national security, and in political objectives. We also share a firm belief in democracy as a political system and in free enterprise as an economic system. As two of the three largest trading regions of the world, Japan and the United States must cooperate—both with each other and with other countries—if we are to assure continuance of the excellent economic growth of the past 25 years. The economic growth of Japan need not be a threat to the United States if the policies in both countries reflect the essential conditions of international trade equilibrium. The national interests of both Japan and the United States require a stable and progressive relationship between our two nations. We must be allies in the achievement of a lasting peace and a greater prosperity throughout Asia.

Japan stands as an example of how a nation under free enterprise can achieve great national goals. Americans can admire the strong coopertive relationship between government and business which has been achieved in Japan. The high morale and individual dedication of the Japanese workers are in large part responsible for the great progress Japan has achieved.

Japan need not be reminded of the difficult national tasks ahead. I know your leaders are concerned with harnessing your thriving economy to the meeting of the aspirations of your people for better housing, better roads, and improved health and educational facilities. In Japan, as elsewhere, increased attention must be given to preserving and restoring the environment. Pollution control in many respects is an international problem. It requires that the world community work together toward sensible international environmental standards.

We in the United States find ourselves more and more conscious of the interdependence among nations, and sometimes many of our people are inclined to blame our problems upon other nations. The American economy is feeling the pressure of strong competition from other advanced nations, including Japan. Americans should recognize, however, that our principal economic problems are inflation and unemployment. For example, unemployment in the United States is significantly higher than in other advanced nations and, while slightly improved, still stands at more than 5%. By comparison, in Japan and many of the developed countries of Europe, there are labor shortages. Where other countries import labor, we in the United States find ourselves hard-pressed to provide equal opportunity for all the elements of the American labor force. Our problem is compounded by the need to provide full and equal employment for our minority population, a problem which most other nations do not share.

As we resolve the problems within our borders, our two nations must face up to some new challenges to world trade and investment. We are in an historic time of testing whether world commerce will continue to flourish in a climate of freedom. We must not fail these tests. The world is looking to the advanced nations—such as yours and mine—to lead the world toward peace and prosperity for all.

We often speak of the frighteningly accelerated pace of events in our modern world. We should not overlook, however, that improved communication, information-gathering, and transportation enable us to react more quickly and more decisively to international developments. This meeting is an example of how representatives of different nations can easily be drawn together to discuss matters that concern us all.

One of the gravest threats to our objectives of peace and prosperity is the rise in protectionist sentiment in both the advanced and the developing nations. In my country, pressure is growing for quotas on a long list of imported goods, as well as for new penalties to limit the free flow of investment. Japan has had wide-ranging barriers to trade and investment. Initially perhaps, these were justified when industry was being reestablished after the war. But their time has passed. In neither country are the inward-looking policies of yesterday suited to present and future needs. It is to Japan's credit that many of these barriers are now being reduced. I know I speak for many of the friends of Japan when I express the fervent hope that this encouraging trend will continue. Indeed, the progress made in facilitating the free flow of trade and investment between the United States and Japan may well be the best guartee against future worldwide economic crises.

Europe too has significant barriers to the flow of goods. These include non-tariff barriers which, while often difficult to detect, have increasingly impeded trade. The elimination of internal tariffs within the European Common Market has encouraged growing trade among the market nations. Yet it has nevertheless presented an increasingly difficult competitive hurdle for outsiders who seek to serve the common market nations.

Export subsidies are the other side of the protectionist coin Devices which enable producers to sell below cost do not make for healthy competition in the long run. Tariffs on the one hand and subsidies on the other, taken together, distort the patterns of commerce, and only serve to impair the long-term healthy growth of international trade based on sound economic policy.

Protectionism has also become a fact of life in many developing areas. So-called "local content laws" specify those portions of a product which may be imported and those which must be supplied from a local source. Companion legislation often provides for the gradual reduction of the imported portion, and this leads ultimately to 100% local production. Often, the limited volume potential in developing countries results in high unit costs and correspondingly high prices—higher than would be required if the market were supplied with imported products.

These protectionist influences have understandable causes. Often, a nation lacks the foreign exchange to purchase essential products. This has been particularly true of developing countries which rely on agriculture or the export of basic commodities as the principal source of exchange. An unfavorable change in the terms of trade, a poor crop year, or some other "act of God," can bring severe hardship. It is natural that developing countries should try to protect themselves from these hazards by seeking to expand their industrial base or by entering international trading agreements to guarantee markets or inhibit excessive sales or production in basic commodities.

Another cause of rising protectionism is fear of losing jobs to overseas competition. This has been a factor in my country, as many of you know. The competitive challenge of your consumer electronic industry is well known. Jobs in other industries—textiles, shoes, steel, and autos—have also been affected. It is understandable that employes whose jobs are threatened by foreign competition would seek protection—especially if they believe that competition in some sense is unfair.

Such root causes of protectionism will not be removed overnight. Yet we must not sit idly by. The advanced nations must resist protectionist pressures. To yield to them is to invite ill-conceived and uneconomic policies which, in the guise of creating employment, will surely impair long-term growth and opportunity.

In the United States, we hear strong fresh demands for protectionist legislation. This latest attack on economic freedom is known as the Burke-Hartke Bill. Its stated purpose is to stop multinational corporations from "exporting jobs and technology." Its restrictive provisions would open the door for quotas on a wide range of products. But it even goes further, and seeks to discourage international investment by penalizing the earnings of overseas subsidiaries of multinational firms.

This is a legislative attempt to turn back the clock of history, and is the old protectionist threat in a new form. Historically, protectionism has been concerned with the loss of domestic jobs because of the competition of products produced abroad by foreign-owned companies. The new charge is that domestic companies export capital to build facilities designed to serve the domestic market. These overseas investments, so the proponents of the Burke-Hartke bill allege, increase unemployment in the United States. Senator Hartke, in a letter to *The New York Times* in late February, asserted that such investments have cost 500,000 American jobs during the decade of the Sixties. Such a sweeping charge, even though untrue, has brought the Burke-Hartke bill widespread support from trade unions in the United States.

Because it is a serious charge, it has inspired close and detailed studies of the economic impact of the international investments of multinational firms. One of the most comprehensive of these studies—published in February by the Emergency Committee for American Trade—sets the record straight. The study is "must" reading for all who wish to accelerate world economic progress. One key conclusion is that the multinational company, through its overseas investments, is able to serve markets which otherwise would be closed to it. The motivation is not to find low-cost labor to compete against the higher-cost labor in the advanced countries. Rather, it has been a quest for market participation in areas which would otherwise be closed to exports.

Fortunately, criticism of the Burke-Hartke legislation by responsible segments of our society has been increasingly vocal. Mr. Robert M. Norris, President of the National Foreign Trade Council, described the proposed bill as "a return to the Hawley-Smoot era" of the 1930's, the worst protectionist period in American history. In February, Mrs. Lucy Benson, President of the League of Women Voters of the United States, spoke strongly against the bill before the 35th Mid-America World Trade Conference. Our most influential newspapers, led by *The New York Times*, are sounding a stern warning. *The Times* last month said that this bill, if passed, "would be a disaster to the American economy, to labor and the consumer alike . . . and is reminiscent of mercantilist legislation of the eighteenth century."

The American automobile industry provides an excellent case history of how multinational business evolves to serve varied world markets. The industry pioneered in multinational trade and investment, begin-

ning more than 60 years ago. In the early years, the world markets were served largely by exporting finished vehicles. Later, assembly plants were built overseas. Soon there were strong indications that the American and European markets for automobiles were moving in different directions. Higher incomes and lower fuel costs in the United States, combined with different road and traffic conditions, caused American consumers to demand larger, more comfortable, and more powerful automobiles. By contrast, cars in Europe and elsewhere remained smaller. It was to provide the type of cars in demand in those countries that General Motors, for example, acquired automobile manufacturing operations in England in 1925 and Germany in 1928.

The depression of the thirties led to an escalation in protectionist trade policies. Tariffs and non-tariff barriers to American cars and trucks became almost prohibitive. If the overseas market—even the relatively limited market of the depression-ridden thirties—was to be served, overseas manufacturing and assembly was a necessity.

These trends toward multinational investment, evident as early as the mid-1920's, were accelerated by two postwar developments. One was the creation of the European Common Market in 1958. The other was the evolution of policies to accelerate industrialization in the developing nations.

When the six leading industrial nations of Western Europe removed tariffs among themselves and erected a common tariff, this placed even more emphasis on the need for producers outside the wall to invest directly in manufacturing capacity within the European Common Market. The choice for the manufacturer was not between expanding exports or investing. The alternative of expanded exports, in most instances, was ruled out by competitive consideration and national policies.

In the developing world, rapid industrialization became a major goal, and creation of a domestic motor vehicle industry was one element of industrialization in several countries. "Local content" policies were designed to replace imports with investments in domestic motor vehicle production. In these countries as well, the only choices available to the foreign manufacturer were either to produce locally or to withdraw from market participation altogether.

The survey by the Emergency Committee offers compelling evidence that multinational corporations invest overseas in order to serve markets which otherwise would be closed to them. For example, excluding the special case of U.S.-Canadian trade, the 74 multinational firms covered in the study sent back to the United States, on the average, less than 2.5% of their overseas output in 1970.

Thus, those who are backing the Burke-Hartke bill are wrong in their assumptions. The bill, however, is symptomatic of protectionist sentiment in my country. It must, of course, be stopped, because protectionism will harm the long-range interests of the United States and, equally important, the interests of all countries who need expanding trade and investment.

I believe that those who understand the benefits of free trade—and I know we are in the majority—will prevail. I sincerely hope that the United States will continue its long-term open-door policy, although it may be a somewhat more realistic free-trade policy than in the past. The United States, realizing that its huge balance-of-payments deficit will not be corrected without considerable help from abroad, is likely to ask for even more cooperation from the other large trading nations of the world than in the past. Obviously, this must include Japan.

This view came out very clearly in the Report of President Nixon's Commission on International Trade and Investment Policy (also known as the Williams Report). Perhaps the most important contribution of the Williams Report is the clear recognition that the economic and political relationships of the United States with the rest of the world are now radically different from what they were during much of the postwar era. Let me quote from the Report:

"Today, the United States still accounts for 40% of the production of the non-Communist world but the European Community and Japan have become major centers of economic power and strong competitors in world markets. Western Europe and Japan have been slow to assume the responsibilities that come with power and strength. The United States should continue to do its part; but other industrial countries must also assume their full share of responsibility for their own defense and for the smooth functioning of the international economic system."

These are strong words, but I believe they reflect the real world of international relationships.

United States-Canadian automotive trade relations are also of particular significance, I believe, for the future of world trade and investment. The United States-Canadian Automotive Trade Agreement opened the door to free trade in automotive products on a basis that encouraged expansion of the industry in both countries.

The heart of this agreement is the provision for complementation—that is, rationalizing production so that each country specializes in providing parts of the vehicle and completed vehicles. In this way, both countries benefit from the low costs of longer production runs. Furthermore, since there are no tariffs on components and assembled vehicles, the consumers in both countries benefit from both lower costs and a wider selection.

Complementation is a new and exciting development of the basic concept of international division of labor. It is especially important as we look forward to the development of countries in Asia. Trade among countries and regions along lines of mutual advantage leads to mutual gains in income and wealth. Complementation is a logical extension of the principles of mass production. Each nation does what it can do best. Many markets still too small to support mass production can nevertheless benefit from its economies. Complementation holds out enormous opportunities for making highly fabricated products available at low cost in developing parts of the world where demand is limited. Through complementation, a country can achieve the economies of scale which come from producing for a large market. It can obtain foreign exchange to buy the fabricated products by exporting parts which it produces in volume. And the cost of the final product, since it is built up from mass-produced components, is lower for all.

Complementation requires close cooperation among the nations in the program. It cannot work otherwise. The allocation of component manufacture among the participating nations must be carefully planned and subject to adjustment. To be fully effective, the nations must be pledged to freedom in trade and investment.

As important as the freedom of trade and investment is to improving the standards of living around the world, its contribution to an enduring foundation for world peace is even greater. To work toward free trade and investment is therefore a special responsibility for the most advanced nations—including Japan and the United States. We have an opportunity unique in the history of man. We can take a major step in overcoming poverty throughout the world, and thereby build a lasting peace and prosperity. This opportunity must be seized and realized in an atmosphere of cooperation and freedom.

President Nixon has done much to promote greater international cooperation through his recent historic meetings with the Emperor of Japan and Premier Sato and other leaders of the great nations. Let me observe in this connection that I, together with the vast majority of my countrymen, have been deeply impressed by the initiative of our President in his efforts to achieve a new basis for communication and international understanding—the latest example of which is his momentous efforts to reestablish communications with China.

The leaders of many countries—and Japan prominent among them—are working toward the realization of basic international trade and monetary reform. It is urgent that these efforts continue if we are to achieve a world in which fear may give way to trust, and barriers to trade and investment can be replaced by the free flow of goods and capital.

In many cases, this means that old bonds of friendship and trust must be strengthened. The United States and Japan have grown together in the years since 1945. Each has become the important trading partner of the other. We have made progress in resolving differences that divide us and moving toward the goals that unite us.

I am confident that in the new climate of increasing freedom in our commercial relations we will forge new and even stronger bonds of beneficial cooperation. Beyond this, we can even dare to hope that, just as our two nations have found cooperation an infinitely superior alternative to conflict, so will other nations progress in peace toward prosperity.

The new spirit of cooperation between our two countries has been accompanied by an expansion of commercial ties. One example is the new place which General Motors has in Japan through its relationship with Isuzu. This new partnership is indicative of the earnest desire of all to seek constructive change through cooperation. I am keenly aware that it was possible only because of a major change in the national policy of Japan. Correspondingly, it represented a fundamental revision of the long-standing investment policy of General Motors which had called for all our operations to be wholly owned by our Corporation.

Japan has taken a first step to permit partial outside investment. This is a good start, and hopefully will be liberalized in the future. This venture, made possible by policy changes on both sides, will permit expanded participation in world trade. While this program represents a step in the right direction, it is evident that further relaxation with respect to trade barriers and investment policies by Japan is necessary if we are to achieve the stable world economy we seek.

Let me turn now to some of the other aspects of world commercial development. There can be little doubt that the United States—and possibly also some of the countries of Western Europe—must face up anew to the challenge of productivity.

The plain fact is that during the past five years the advance of productivity in the private sector of the American economy has been very slow—well below the rise in workers' hourly compensation. For example, between 1965 and 1971, output per manhour was growing at an average annual rate of 2%. Compensation per manhour over this same period, however, was increasing at 6% a year, or three times faster. Under these circumstances, unit labor costs rose rapidly, by 4% annually since 1965. This is a root cause of the inflation in the United States.

These trends in the United States are a matter of deep concern in my country and throughout the world. In 1971, our trade deficit—the first since 1888—was almost $3 billion. This was a shift from a surplus of $2.7 billion in 1970. The 1971 trade deficit was only a small part of the overall balance-of-payments deficit of the United States last year—now estimated at almost $30 billion.

The awareness of these trends, both in our domestic affairs and internationally, provided a background for President Nixon's New Economic Program.

It had become increasingly evident that the original economic strategy, a combination of fiscal and monetary measures, was not working out. By August of 1971, it was apparent that the United States was facing a continuing and excessive rate of inflation. The annual rate of price increase was 4.5%, and unemployment—at 6%—was still much too high. With courage and responsibility, President Nixon moved beyond the traditional economic policies of the past. The 90-day wage-price freeze—a prominent feature of the President's domestic program—was strong medicine, but clearly necessary. The shock of the August 15 program reached well beyond the shores of the United States. Yet, from the point of view of the United States, and I believe for the best interests of the rest of the world in the long run, this strong policy was very much needed.

In the areas of international economic policy, the August 15 announcement had two elements. First, dollar convertibility into gold for the settlement of international transactions was suspended. Second, a temporary 10% surcharge on all dutiable imports was imposed, and later eliminated as currency revisions were made.

The international program also provoked worldwide reaction. There was widespread recognition on one point. The United States could not continue with large annual deficits in its balance of payments. Other countries—notably Germany and Japan—could not continue building large annual surpluses in their balances. In one way or another—by currency revaluations by surplus countries or devaluation by the United States—an effort had to be made to achieve new and more realistic parities.

Some observers of the events between August 15 and December 18, 1971 will say that they epitomize the use of "shock tactics." That was certainly part of it. Yet, to my mind, the events following August 15 are impressive ground for optimism. There was a recognition of the problem and of the urgency for constructive action. That so much progress could be recorded in only four months is evidence of a growing maturity in world commercial relations—another recognition that the only sound basis for growth is through a mutual understanding of world problems.

To my mind, there are few more vivid examples of the reality of the interdependence of the nations of the free world. The general recognition that the Smithsonian Agreement was no more than a start only serves to remind us that economic interdependence is a continuing need. More important, it serves to remind us that the issues concerning us are highly dynamic. There are few, if any, obvious solutions, but rather a continuing need to accommodate to changing situations. This can be accomplished only if the sovereign nations of the world recognize how closely interdependent we have all become. History has left us no choice—as a practical matter—but to cooperate toward the common goal of a better world society.

Our problems are not easy. This is evident in the continuing pressure on the dollar in world money centers since early March. Some $62 billion of U.S. liquid liabilities were held abroad at the end of last year. Thus, American domestic economic policy—particularly the fiscal and monetary policy—is vital to the maintenance of the new exchange-rate parities. The United States has an obligation to bring its inflation under better control. We have taken a number of measures to achieve this. We must do this both to achieve domestic goals and to restore confidence in the world. At the same time, the need is urgent and obvious for continuing cooperation among central banks to maintain a reasonable orderliness in international money markets. For all of the battering the dollar has taken in recent weeks, it remains unquestionably one of the strong currencies of the world. We all have a stake in keeping it this way.

Looking to our longer-term prospects, I share the view of many others that it is time to consider how the dollar can be replaced by SDR's or some other truly international currency whose value does not rest on the economic policies of any single country. Reliance on a national currency to provide international liquidity places a large burden on the nation whose currency is also an international reserve currency. It adds further risks for those nations holding large balances.

New mechanisms must also be found for achieving exchange-rate realignment before nations are forced to do so by crisis. There may be grounds for hope, but the harmonization of monetary policy within an enlarged European community—the narrowing of the bands within which European currencies may vary in relation to each other—will facilitate the maintenance of realistic exchange rates.

Regardless of the approach taken, it is clear that the free nations of the world must get on with this job. The world's material needs are too great and too urgent to tolerate delay.

Nor do our obligations end with establishing a more viable world monetary system. Trade continues to be burdened with both tariff and nontariff barriers. These must be reduced and, ultimately, eliminated. I remain optimistic that, in the next convening of the GATT, we will be able to continue to progress in this area.

Equally important is the removal of the shackles on foreign investment. The Foreign Direct Investment Control program in the United States—and other investment controls in Japan and other nations—only serve to impede and distort investment decisions. The world needs more investment, not less. We need new plants, better tools, improved equipment if we are to fulfill our goals of prosperity and peace for all.

One of the most difficult problems we face, whether in the United States, Europe, Japan or the developing countries, is agricultural policy. This also is an area in which there are no fast answers. But I can think of few areas of our economic life—in a world simultaneously blessed with surpluses and cursed with starvation—that present so vital a challenge and so urgent a call upon our attention.

Equally important is a new broad-based effort by the industrialized countries to expand trade and investment relations with the developing countries. It seems clear that foreign aid cannot supply the foreign exchange these countries require to finance their imports and make payments on their debt service. To help these countries earn their own way, the advanced countries must reduce and eliminate as quickly as possible the barriers to imports from developing countries. The record to date is not reassuring. Although the total exports of the developing countries have increased from $21 billion to $57 billion over the past 20 years, their share of world exports declined from 33% to 19%. In spite of the dollar growth, it is obvious that this has not been, and will not be, sufficient to finance their economic development.

In addition there will be opportunities for private investment in many of the developing countries. Investment in developing areas usually requires a willingness to take both a larger risk and a longer view. Recognizing these considerations, however, does not relieve corporate management of the need to take only those risks that are commercially prudent. The governments of the developing countries must grant the foreign investor equitable treatment with local investors and work toward a climate of stability which encourages growth.

General Motors has a long history of investment in developing areas of the world. We have every intention of expanding these investments in the years ahead. The developing areas of the world are today on the threshold of a period of vigorous growth. In this there is an important role—possibly a central role—for rising private direct investment.

As my remarks indicate, the world does not lack for problems. But I do not wish to conclude my talk on this note. As great as our problems are, the nations of the world have never been better equipped to solve them. Never have we had such abundant resources to devote to our tasks. Most important, there is greater agreement among us on what must be done to expand opportunity for the nations of the world. We must remind ourselves that, in spite of the multiplicity of problems in the past 20 years, substantial progress has been made in improving the standard of living for most of the world's population.

The adjustment of international exchange parities was a basic step essential to the long-term expansion of world trade and investment. However, it did not solve all our problems and many questions remain. How do we make the transition from the dollar as a primary reserve currency to some new unit of exchange? What form should this new unit take? What role do we want gold to play in meeting the exchange requirements of the future? Can we provide for the convertibility of the dollar into gold or some other international reserve currency? Should exchange values continue to be established at parity relationship on the basis of negotiation by the monetary authorities or permitted to float?

Some 25 years have now passed since the last full-scale review of international monetary arrangements at Bretton Woods. The agreements reached there have served the world economy well. Nevertheless, I am convinced that the time has come for another full-dress review of our international monetary machinery. We have new problems and new opportunities. Our monetary mechanisms must be geared to the tasks that lie ahead.

A sound monetary policy cannot be expected to make up for the adverse impact of restrictions on trade and investment. However, until the monetary uncertainties of the past few years are resolved, we must not be deterred from our main goal of freer trade and investment. The rate of growth of our international economy depends on our willingness and ability to eliminate restrictions and thus encourage the free flow of trade and investment.

The forces of protectionism are now engaged in a vigorous assault on the free trade policies of the leading trading nations. We must not underestimate the thrust of these forces. We must meet this assault with a positive program which should include:

First, the complete elimination of tariffs between the developed nations.

Second, efficient adjustment assistance programs so that those firms and workers bearing the brunt of increased international competition do not suffer unduly while all consumers benefit from lower prices. This is an important problem, not only in the United States, but in many other advanced countries.

Third, international agreements to reduce nontariff barriers.

Fourth, a common trade policy toward the developing countries by the industrial countries. We must come to grips with the whole question of preferential treatment of their manufactured exports while encouraging them to move faster toward an industrial policy of regional complementation.

Fifth, a stronger international monetary system so that these goals can be reached without the agony of the recurring crises of the recent past, and with the orderly and stable conditions under which international commerce can thrive.

Finally, encourage by our example the free flow of investment among nations.

I have every confidence that these objectives will be accomplished—but their achievement will require more than the greater cooperation of our respective governments. There must be a continuous dialogue across the oceans between all the major sectors of our nations. We must build a wider and more solid base of understanding. Then with this base we can cooperate to bring to our world the lasting peace and the broader prosperity to which men everywhere aspire.

WEST GERMAN RATIFICATION OF TREATIES WITH THE SOVIET UNION AND POLAND

Mr. DOMINICK. Mr. President, there has been some coverage in the U.S. press of late of the debate going on in West Germany over ratification of the nonaggression treaties with the Soviet Union and Poland. Most of the material I have read on this matter has reflected the position taken by Chancellor Brandt and his Social Democratic Party, and much of it has centered around various compromises which have been sought in order to accomplish Brandt's goal of ratification of the treaties.

An article in Die Zeit, a newspaper in Hamburg, Germany, on February 8, 1972, by former Foreign Minister Gerhard Schroder, has come to my attention. While the newspaper Die Zeit supports the government's Ostpolitik policy, considerable space has been devoted to this presentation of the opposition point of view. Because that position has received little or no attention in the U.S. press, I urge Senators to read this excellent explanation of the opposition view of the treaty issue, and I ask unanimous consent that it be printed in the RECORD.

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

[From Die Zeit (Hamburg, Germany), Feb. 8, 1972]

"NO" TO THE TREATIES WITH THE EAST

(By Gerhard Schröder)

Brandt's Ostpolitik: The base is too narrow, the time is wrong, the frame of reference is erroneous.

I

The coming months will be dominated by the political controversy between the Federal Government and the Opposition over policy toward the East [Ostpolitik], in particular, over the Moscow and Warsaw Treaties. I sincerely hope that the discussion on both sides will reflect the awareness that both the Government and the Opposition can have only one desire: that of serving the interests of our nation in the best possible way. That is why the Federal Government should not be accused of betraying German interests, of engaging in a sellout, or of surrendering, nor should conversely the Federal Government accuse the Opposition of being against peace.

It would be fatal if the treaties with the East were to put our country's unity to the test. Both sides have to be aware of this heavy responsibility in everything they say. This applies, first of all, to the Federal Government and the very political forces that support it, because this responsibility must correspond to the greater powers the Government enjoys and thus to its executive prerogatives. The Government must not take offense at the Opposition for being predominantly critical or even suspicious, because by so doing the Opposition performs no more than the normal function it has in a parliamentary democracy.

"Fairness" in the political contest calls, therefore, for fighting without hitting below the belt. Fairness must not impede, of course, hard and, if necessary, embittered fighting. Both sides can be convincing only if they state their positions clearly and intelligibly.

II

The Government conducts its policy on a dangerously narrow base. 251 Deputies versus 245 Deputies—i.e., a majority of six—that is not enough to support this issue convincingly at home and abroad. This holds true all the more since we know that the Government majority lacks cohesion, as has been demonstrated and as will be demonstrated in the future. Either this project that the Government puts forth is not as far reaching as it claims it is, or the Government must put it on a broader base. If, however, it is not as far reaching as the Government claims, the Government is completely out of line to keep on asking the Opposition whether it could justifiably assume the responsibility for the non-acceptance of the project. The Opposition is under no obligation to bail out the Government. The obligation to produce a safe majority for the policy it pursues rests exclusively with the Government.

The Government would probably not have taken what I called a dangerous risk unless it believed it was secured in three ways: tacit or explicit consent in the West, resounding approval in the East, and widespread acceptance at home.

Tacit or explicit support in the West naturally suggests the following question: Cui bono [for whose benefit]? Nobody could possibly expect our Western partners and friends to be more German than the Germans themselves. Unless proven otherwise, they can rely on the Federal Government to keep within the bounds of its treaty obligations and other commitments.

How about the presumed widespread acceptance at home? If we want to consider the last elections to the Landtag a criterion, there is no widespread tacit acceptance at home, except the slender and crumbly Government majority itself. So far as public opinion polls seem to reflect such an acceptance, a very close look must be taken under such circumstances at the formulation of the question, the discussion preceding it, and the tabulation of the results. I doubt, therefore, that the three factors I just mentioned might actually be conducive to broadening the only too narrow base.

III

The Government's posture tends to broaden the scope and the potential influence of the Soviet Union in Central and Western Europe without this being offset by concessions granted by the Soviet Union itself. This will and must give rise increasingly to the development of a false feeling of security which, in view of the conventional [military] preponderance of the Soviet Union and her partners, is unwarranted. At the same time, such a false feeling of security will lead to weakening the joint defense efforts of the West and to reducing its solidarity. It would be contrary to normal experience if this change in the situation were reflected as a negative factor in the American commitment that is absolutely vital to us. I shall refrain from analyzing certain steps taken by the allies that are a source of concern in this respect.

IV

Possibly the most momentous change will come about in the inner-German relations with the German Democratic Republic. This policy started with the virtual recognition of two German States in Germany. It is calculated—perhaps inevitably—to strengthen the international influence, and the international position, of the German Democratic Republic at the expense of inner-German solidarity and reinforcement of the line of demarcation that goes through Germany.

V

(1) The objectives of this policy are not at stake if we take them to mean: Insistence on the right of self-determination for all Germans, peaceful relations, renunciation of force, and cooperation also with the East European nations, including the Soviet Union. All these are elements of a policy that we have been conducting for many years.

(2) We do not think, however, the ways and means whereby the Federal Government is trying to attain these objectives are right. The discussion about Ostpolitik concerns itself with its ways, its methods, and the valuations of political events and of potential developments on which they are based. And this is the point on which opinion is divided.

After surveying the many—and not always consistent—arguments put forth by the Government, I would like to point to the following, which I consider important:

The Government argues that the Soviet Union is ready to reach a compromise with the Federal Republic of Germany, based partly on foreign policy and partly domestic policy considerations, which are motivated by a desire to achieve more cooperation with the West. In connection with foreign policy considerations, frequent reference is made to the term "People's Republic of China"; in regard to domestic policy considerations, to the interests of the Soviet industrial society. The Government further argues that this readiness should be turned to account.

In the Moscow Treaty—to refer to it only once as the "principal instrument"—the Soviet Union has, according to the Federal Government's interpretation—as well as also according to Soviet assessment—made important concessions: Relinquishment of insistence on formal recognition of the German Democratic Republic under international law, relinquishment of her claim for recognition of West Berlin as an "independent political unit", relinquishment of the application to the Federal Republic of Germany of the so-called Intervention Articles 53 and 107 of the U.N. Charter, and recognition of the continuation of the four-power responsibility for Germany as a whole. It is further pointed out that the Soviet Union had shown readiness to make concessions during the negotiations for the four-power agreement on Berlin.

The Government further argues that Poland, on her part, has asquiesced in the Warsaw Treaty to the Federal Government not having been in a position—let us say, more correctly—not legally having been in a position, to recognize definitively, under international law, the Oder-Leisse line as Poland's Western frontier.

The Federal Government submits as advantages of the treaties that they afford a basis for a further improvement in political, economic, and cultural relations; that they would make peace more secure; that the "detente" resulting from them would lead in time to making the fundamental rights of such as freedom of movement a reality in all of Europe; that an "orderly coexistence" would lead to a "togetherness" of both parts of Germany; that definitive boundary adjustments had not been made because the Federal Government could speak only for the Federal Republic of Germany, but could not commit a future sovereign [government] of All-Germany; that with respect to the integration of Europe it would be useful, if not a prerequisite, for the Federal Republic of Germany not having any border problems in the East.

Finally, the Federal Government attaches special importance to the point that its Eastern and German policy should meet with the approval of our Western allies and thus be imbedded in the policy of détente, an aim adopted by the United States on a worldwide basis, and by NATO with regard to Europe.

VI

In appreciating these arguments, it is evident from the outset that the Federal Government works predominantly, indeed almost exclusively, with hopes for the future. It is quite true, and therefore the Government cannot be blamed, speculation is frequently a natural and inseparable characteristic of politics because one cannot work, as in the exact sciences, with fixed, computable quantities and values, but largely with potentials and subjective ideas. However, one cannot help feeling grave concern when the advantages of firm treaty commitments set down in writing are argued less on the basis of the text of the treaty than on that of hopes and expectations based on interpretation. This is all the more disquieting because—and this is an aggravating factor—of the different, in fact even conflicting interpretation and application of the treaties by the contracting parties in regard to important points.

While the Federal Government states that the treaties represent a modus vivendi, a description of that which exists of the much quoted "realities", yet in no cases a recognition, the reaction from the East—but partly also from the West and the Third World—sound entirely differently. There the treaties are understood and interpreted as a recognition of the status quo and, by virtue thereof, also of the division of Germany.

The Federal Government's reference to the text of the treaties, in which the term "recognition" actually does not appear, must unfortunately be answered that the Government is right technically, but that the political effect of the treaties is largely the opposite, and that it is feared that the Federal Government's technical reservations will be valued or rather, devalued, as a verbal exercise.

The division of Germany, therefore—and this substantiates our gravest objections to both the Moscow and the Warsaw Treaties—is being reinforced and the realization of the right of self-determinaton for all Germans impeded.

As a contributing factor, the commitment of our three big Western allies, as provided in their treaty on Germany, to contribute to an independent settlement of the German question will certainly not be strengthened, but rather lessened by treaties having the described political effect. The frequently cited allied approval of the Federal Government's policy must also be valuated in this light. Nobody can expect them to protect German interests that are neglected, or seem to be given up, by the Federal Government itself.

To refrain from everything that would further widen the gap between the two parts of Germany and the people living there is first and foremost our own business, the task of the Germans. The Government in East Berlin is demonstrating to us over and over again, often shockingly so, how difficult this task is. It is our opiuion that, in the interest of all Germans, we must not yield to East Berlin's insistence on "demarcation"—and this includes a rise in status of the German Democratic Republic under international law.

In any event, the hopes expressed by the Federal Government are in no way supported by the attitude of the East Berlin Government. This then raises the question of whether the Federal Government's treaty policy will bring for the people in the German Democratic Republic, who are for union with us—in contrast with the political posture of their government—a positive improvement or whether it will appear as such or not.

There is no reason to imagine an acceptance of this policy by the positive forces of the German Democratic Republic. And I am not excluding from consideration that, in the interest of the solidarity of all Germans, our determination to stick together must be demonstrated over and over again. I only doubt whether the present-day policy can strengthen this attitude.

The Federal Government's Ostpolitik, however, is risky and dangerous not only with respect to the settlement of the German question, but I am afraid, also in the long run for the solidarity of the West, for the sensitive balance of power in Europe, and with it, for our security. It will not intensify the United States commitment to Europe, but instead, it will loosen it, and it threatens to impair the functioning of NATO. This, however, would have to result in a considerable shifting of power in Europe, in that the Soviet Union would be able to make her military preponderance in Europe felt much more strongly, perhaps not militarily, but certainly politically, than would be good for the German interests. It would be fatal to want to look upon the Soviet Union as a power out exclusively for preserving her sphere of influence, and to disregard her ideological as well as dynamic tendency to penetrate weakened constellations and/or to draw them into her orbit.

VII

To sum up, I would like to make it clear that the risks connected with the Federal Government's Ostpolitik and with the Moscow and Warsaw Treaties seem considerably bigger to me than the opportunities they may afford. In their present form the treaties are inequitable, i.e., the respective obligations are not in balance. In sober assessment, the hopes and expectations with which the Federal Government is trying to even up the score are not suited to the purpose; rather, we seem to perceive illusionary elements. In the interests of Germany, we will therefore, have to reject these risky and dangerous treaties.

VIII

Anyone who has followed my expositions so far may wonder: What alternative does the Opposition have to offer, and what other policy would it have pursued or would pursue? If the Government's premises of a fundamental Soviet interest in an arrangement with the Federal Republic of Germany are correct—and I presume they are correct—there was neither reason nor necessity from the viewpoint of our interests, to let ourselves be guided in treaty negotiations more by a desire for a speedy conclusion than by the determination to protect the German interests. A great deal more patience and far greater steadfastness would have afforded a better premise for achieving a treaty that might have led, via a "constructive compromise", to a genuine balance of interests. I am all the more convinced of it, as the Soviet Union's motives that I mentioned before will continue to exist, at least for the foreseeable future.

That is why I think that we must resist any pressure in connection with the ratification of the treaties with the East. A rejection of the treaties would neither spell disaster, as was said at one point, nor would it lead the Federal Republic of Germany into complete isolation, as is frequently claimed. The Opposition will not itself be impressed by such claims. What is crucial, so far as we are concerned, is the protection of the interests of all Germans.

IX

In closing, I would like to refer to a factor that is becoming more and more manifest, namely, the increasingly Leftist orientation in German politics. The present course does not promote the consideration and further development of all of the forces at home, i.e., an effective strengthening of the Federal Republic of Germany, but it paves the way—parallel with the treaties, so-to-speak—for a fatal shift to the Left . . . as can be seen from looking at the economic and social indicators, to mention only these. The tension-laden situation in which our country finds itself is characterized by a growing activity of the Left, for which the term "DKP" [West German Communist Party] is explanation enough.

I realize that a discussion is going on also in other European nations, which, from the viewpoint of the Opposition, contains many disquieting elements. It must be pointed out again and again that it makes a great deal of difference whether comparable discussions are taking place in countries and nations that are *per se* completely integrated, or whether they are going on in a divided country such as ours.

Thus, the "NO" to the treaties is not only a foreign policy statement, but it also underlines a necessary domestic policy posture. I know that in the debates so far the latter point of view has not received the attention that it deserves. It would be harmful not to see the connections clearly and realistically.

X

A last word in these expositions shall be addressed to the East European nations, inclusive of the Soviet Union. You may count on it, the policy of the present-day Opposition has been and always will be a policy of peace and peaceful development, of renunciation of threat or use of force, a policy of increasing détente and cooperation wherever possible. Europe's security is, it seems to me, better safeguarded by our basic approach than by the present-day attempt to solve unresolved questions without settling them constructively.

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THE COLORADO RIVER HAS BEEN USED UP

Mr. MOSS. Mr. President, several weeks ago I spoke at length on the Senate floor on intercontinental water planning and development. I discussed the many plans which have been put forth both in the United States and Canada for intercontinental water transfer—the moving of water from water surplus areas in northern Canada and Alaska to water short areas in the West, Southwest, and Middle West of the United States. The United States would, of course, buy the water from Canadian sources under treaties to be arranged.

The proposals are still at the concept stage. I have spoken on the so-called NAWAPA proposal a number of times in both this country and in Canada, and although there is some opposition in Canada to any type of intercontinental water transfer, some groups and individuals there are very much interested in pursuing the matter. I have suggested that neither the United States nor Canada take any steps at this time which will make consideration of the proposition impossible at a later date, and that we both continue to do our "homework" now against the time when NAWAPA, or some similar plan, will become imperative.

The time when additional sources of water will become necessary to the Colorado River Basin is not too far distant. The mighty Colorado River is spent—for the last 10 years virtually none of its flow has reached the Gulf of California, into which it once emptied. It is all used by the Lower and Upper Colorado River Basin States for irrigation, and for municipal and industrial use. It is used—and reused, until there is nothing but some salty drainage water left.

The story of the Colorado has been well told by William E. Warne, former Assistant Secretary of the Interior for Water and Power, former California water resources director and now a private water resources development consultant in Sacramento, in two installments published in the Vallejo, Calif., Times-Herald. Because I believe they are of significance to all areas of the country, I ask unanimous consent that they be printed in the RECORD.

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

A PROMISE OR A WARNING? HOW COLORADO RIVER HAS BEEN SPENT

(By William E. Warne, former California Water Resources Director)

The Wild Bull River of the southwest has been used and depleted until for a decade nothing but a few acre-feet of salty drain water runs to the gulf. The once mighty Colorado, which dug the Grand Canyon and early in this century scouraged the Imperial Valley with its floods, has been dammed and employed as a drain, used and reused until the river is entirely spent.

For a full decade none of the flow of the Colorado has reached the Gulf of California, except in the form of salty drainage water from irrigated lands in the vicinity of Yuma, Arizona. This drainage water is deliberately dumped below Morelos Dam to avoid further damage to farm lands in Mexicali Valley.

A $11,000,000 ditch was hastily built a few years ago to keep the drainage water out of the Mexican canals, except when it can safely be mixed with water delivered through the river channel without rendering the whole supply unusable. When releases to Mexico are great enough to dilute the drain water to a satisfactory level of salt content, the drainage water, too, is used to help satisfy the 1,500,000 acre-feet per year commitment to Mexico under the 1945 Water Treaty.

The history of the development of the Colorado River is both a promise of what other regions may achieve through the full use of their waters and a warning regarding some of the consequences of full development against which others must guard.

In the lifetime of men now living, the Colorado River has been virtually completely developed. Some projects, like the Central Arizona Project, which has been authorized by the Congress, have not been constructed as yet, and some projects in the Upper Basin, which will divert, use and return some water to the river, will be undertaken in the future. The major works to use the waters of the river, however, have all been authorized and most of them built.

FUTURE FLOODS COULD ARISE

A great flood conceivably could arise over the Colorado watershed, such as some that have been deduced from evidence left in the canyons during recent centuries. Such a flood might spill all of the reservoirs and restore the Colorado to a free-flowing stream, perhaps even a rampaging river, in the channels of the delta below Morelos Dam, where the last diversion is made for irrigation and municipal water supply. An historic flood, however, would be required to run beyond the controls that have been placed on the Colorado River. Damaging flash floods in the lower reaches of the river might be caused by cloudbursts such as the desert occasionally receives. The arroyos and washes, wide and boulder-strewn, are not controlled. They may only rarely produce a trickle of flow and still be capable once in a century or longer of turning loose a brief torrent that will leave ruin in its wake.

Old-timers who remember what happened in 1905 and 1906 when the Colorado washed out the new heading of the Alamo Canal that served the Imperial Valley and recreated the Salton Sea will tap on wood to dispel the river's evil spirit whenever anyone in their hearing brashly claims that the Colorado has been completely controlled.

After all it has been only little more than 100 years since the river was run for the first time by the Major John Wesley Powell expedition. The Powell party first called the Colorado the "Wild Bull River of the Southwest."

HOOVER DAM, THE RING IN THE BULL'S NOSE

Hoover Dam, completed in 1935, was the ring put in the nose of the wild bull. The reservoir it created, Lake Mead, has a capacity to hold almost two full years of the normal flow of the Colorado River. Other dams and reservoirs above and below Lake Mead, such as Glen Canyon, near Page, Arizona, Flaming Gorge in the upper reaches of the Green, Davis and Parker Dams in the main channel below Hoover Dam, and scores more on tributaries and far reaches, have added to the capacity of the engineers of the Bureau of Reclamation to regulate the river and to conserve its waters for man's use.

The "Law of the River" has grown up as the Colorado River has been developed. It is incorporated in interstate compacts, such as the Colorado River Compact of November 24, 1922; Federal laws, such as the Boulder Canyon Project Act of December 21, 1928 and Colorado River Basin Project Act of September 30, 1968; state laws, such as the California Self-Limitation Act of March 4, 1929; court decrees, such as the Supreme Court Decree in Arizona v. California of March 9, 1964; international treaties, such as the Mexican Water Treaty; and contracts and regulations. These latter documents when printed literally fill thick volumes.

CONTROVERSIES NOT PREVENTED BY LAW OF THE RIVER

The fact that there is so much law of the river, however, does not prevent long-standing controversies. Some of these have dramatic consequences when they finally are resolved. An example was the cutting back by the Supreme Court to about half of its capacity the amount of water that the Metropolitan Water District of Southern California is entitled to divert through the Colorado River Aqueduct.

The court decision in Arizona v. California came just before the final determination of the size of the California Aqueduct of the State Water Project. The Metropolitan Water District requested permission to increase its take of water from the Sacramento-San Joaquin Delta by 500,000 acre-feet a year. The California Department of Water Resources was able to accommodate the district by adjusting plans for other contracts and by adding 230,000 acre-feet to the 4,000,00 acre-feet of water a year that it proposed to use in the State Water Project. The California Aqueduct has now been built in accordance with this upward revision of the amount of water to be diverted southward.

This account will show how interdependent regions within California really are when it somes to supplying their water needs. That the Colorado River has been spent, it is seen, is significant to Yuba City, in the Sacramento Valley, which, like the Metropolitan Water District, is a contractor for water from the State Water Project, and to irrigators in Kern County, who use the California Aqueduct with the MWD. Indeed, California may be diverse and at times raucously divided, but every community shares in common with all other parts of the state some of the water problem that is inherent everywhere in a semi-arid land.

By 1990, when the California Water Project may be used to its full capacity, it will be providing some service to about two-thirds of the people of the state. The people whom the project then will serve will be in greater number than the 20,000,000 population of California today, because the state is still growing.

MASSIVE DESALINATION IS PROPOSED

The Framework Water and Related Land Use studies, recently completed by the Pacific Southwest Inter-Agency Committee, saw no hope of spreading the depleted flows of the Colorado River over the demands that will develop in the next 50 years because of growth in the Pacific Southwest. The study groups of the Lower Colorado Region proposed desalting sea water to supply 4,100,000 acre-feet a year by 2020 to supplement the natural flow of the Colorado River.

The quantity of desalted water is almost equal to California's share of the waters of the river. It is more than one-quarter of the presently anticipated annual yield of the Colorado River. Perhaps even more significant is the fact that to yield so much fresh water would require desalters hundreds of times bigger than any so far contemplated. The desalting answer to the problem of insufficiency of the flow of the Colorado River, at this writing, therefore, must be described as speculative.

The facts are that 94 percent of the people in San Diego County use Colorado River water for culinary purposes, that between half and all of the municipal supplies of San Pedro, Torrance, Santa Monica, Beverly Hills, Burbank, Glendale, Pasadena and Orange County come through the Colorado River Aqueduct, and that 25 percent of the water in the San Gabriel Valley comes from the same source. In addition, of course, the Palo Verde Valley, Imperial Valley and Coachella Valley irrigation areas are wholly supplied from the river. These are among the most famous of California's agricultural valleys. These facts demonstrate the essential role the Colorado River plays in Southern California.

In the past, as we have seen, when a critical shortage has been faced in a California region the diversions of water from other areas have been increased. Examples in addition to the increase of the take by the State Water Project in the wake of the Supreme Court's decision could be cited.

The depletion of the Colorado River leads directly into several other emergent problems of the next 50 years. They range from consideration of massive transfers from the North Coast streams to the preservation of Salton Sea. Perhaps the most ominous portent, however, is the progressive degradation of waters that remain in the Colorado River. This aspect of the Colorado River water problem will be discussed in tomorrow's article in which it is found that the Colorado River might as well be dry as to become too salty to drink or to use to irrigate crops.

USE, STORAGE, REUSE AND THEN RECYCLE; WATERS OF COLORADO RIVER DEGRADE YEAR BY YEAR

(By William E. Warne, former California Water Resources Director)

Millions drink the water, but in other areas it would be considered distasteful; for each cropped acre more irrigation water is required as deterioration progresses.

Use, storage, reuse and then recycling the waters of the Colorado have turned the river around. Instead of increasing, the river decreases going downstream.

Once the Colorado was "too thick to drink and too thin to plow" according to pioneers who irrigated the low deserts. Many reservoirs now settle out the silt, but another adverse water quality factor threatens the welfare of the region.

The recycled waters become saltier as they make their way downstream. Evaporation from the reservoirs takes its toll. New diversions return their saline drainage waters. The reduced main stream is progressively degraded.

The diversions through the Colorado River Aqueduct to the California Coastal Plain al-

ready miss by half meeting recommended drinking water standards. The water would be considered distasteful in many areas of the country.

More of the poor water that reaches the headgates today must be used when irrigating to flush salt through the soils. Greater quantities, therefore, are required today to grow a crop than in 1929 when allocations were made among California water users.

One wonders whether we are following in the Southwest the path of the evolution of development that was taken long ago in Mesopotamia. There the Hanging Gardens of Babylon were one of the seven wonders of the ancient world. They vanished so completely that today no trace can be found with which to determine exactly where they once flourished. In any event, the Type I Framework studies of the Pacific Southwest Inter-Agency Committee pointed to the degradation of water quality with more intensive use as one of the five critical problems to be faced in the next 50 years.

OTHER EXAMPLES CITED

The Colorado River provides the best-defined example of the problem of progressive water quality degradation, but other examples are already recognized in California. Groundwater which is pumped, used and percolated again to the aquifer for storage and reuse gradually deteriorates in quality.

The San Joaquin River has deteriorated until sometimes its flow is reversed and a pollution block has at times prevented salmon from entering the stream.

San Francisco Bay, itself, has at times become noisome. It has been threatened with algae blooms. Poisoned shellfish in the bay are the subject of quarantines.

The degradation of the quality of the water that is brought about by repeated uses seldom results in pollution in the form that spreads such diseases as cholera and typhoid fever. Instead, the total dissolved solids in the water increases and its hardness is heightened.

The United States Public Health Service recommends drinking water standards of 500 parts per million of total dissolved solids.

The hardness of the Colorado River water has necessitated expensive treatment by the Metropolitan Water District of Southern California, but the water softening process does not reduce the total dissolved solids. It simply substitutes minerals with different characteristics for those that the river waters have taken into solution.

WATER FACTORY 21, THE WATER QUALITY WAVE OF THE FUTURE?

The Orange County Water District has introduced Water Factory 21 into the water environment of Southern California as a means of offsetting the progressive water degradation that its customers faced. This may be considered a breakthrough in the fight against water degradation. Water Factory 21, now under construction, will mix desalted sea water with reclaimed sewer effluents to obtain satisfactory averages of total dissolved solids and other factors. The product will be injected through wells to form a fresh water mound underground. The barrier will prevent encroachment of sea water into the groundwater basin. The water that is injected will flow down the slope of the mound into the depressed basin. There it will help to restore the average quality of the underground supply.

The Orange County Water District has been percolating Colorado River water into its groundwater basin through gravel pits in the Santa Ana River channel. This water contains 750 ppm of total dissolved solids. It has replaced the native water, which is of high quality, under about half of the urbanized area of Orange County. Each cycle of pumping, use and percolation adds about 250 ppm to the burden of dissolved solids that the water carries.

While Water Factory 21 will produce at the outset only 3,000,000 gallons per day of almost chemically pure desalted water, the production will soon be increased to 15,000,000 gallons per day.

As the name implies, Water Factory 21 is an advanced technical development typical of those that will be needed by the California water industry in the Twenty-First Century.

The intricate management of the groundwaters of Orange County are but the highest expression to date of the programs to improve the quality of the waters of the Colorado River.

Whereas the waters of the Colorado River at Parker Dam where the Colorado River Aqueduct heads, today contain a tolerable 750 ppm tds, by 2000 they are expected to contain an average of 1100 ppm. Soon other water purveyors will be seeking solutions to their worsening problems.

MAINTAINING SALT BALANCE IN SOILS

At Imperial Dam, where the All-American Canal diverts water to irrigate 501,369 acres that in 1970 yielded crops valued at $257,177,900 in the Imperial Valley, the Colorado River water contained 860 ppm tds in the most recent year reported, and this is expected to increase by 2000 to 1340 ppm.

The irrigators, like the water users in Orange County, face a deepening problem.

The Imperial Irrigation District has been very aggressive in the provision of drainage for the lands it serves. It has provided 1,641 miles of main canals and lateral ditches to serve water to the lands, and 1,491 miles of drains to remove the waste waters from the same lands. The farmers since 1929 have tile-drained 362,252 acres of the irrigated land. As a result, in 1970 a gain of 8.39 percent was recorded in the removal of salt from the lands in the district. The salt balance in the root zone of crops was actually improved. Much alkali land has been restored to production.

The Salton Sea, into which the Imperial and Coachella Valleys drain, however, continues to deteriorate. Each acre-foot of water in the sea now contains 52.47 tons of salt as compared with 47.80 tons for an acre-foot of sea water in the Pacific Ocean. In a few decades it will become a dead sea unless remedies urgently are applied.

DRAINAGE NEEDED ELSEWHERE

Experts declare that no irrigation agriculture may be considered permanent where drainage is not provided to remove the salts that otherwise will accumulate in the soils. The progressive deterioration of the land, as well as of the water, however slowly it occurs, must be recognized as a constant danger. This is a warning that the San Joaquin Valley can not safely ignore. The San Joaquin master drain construction of which has been set aside one day must be provided—and the sooner the better.

SOMETHING BETTER THAN WET WATER NEEDED IN MEXICO

The degradation of the waters of the Colorado River reached its most dramatic stage in Mexico, where rioting broke out when drainage water from the Wellton-Mohawk project near the mouth of the Gila River was delivered to the intake at Morelos Dam. The salty water stunted their wheat, the Mexican farmers said. At that time, it was contended that the drainage water constituted a part of the 1,500,000 acre-feet of water a year to which Mexico is entitled under the water treaty with the United States. After it was revealed that some of the drainage water contained up to 6,000 ppm of salt, a by-pass ditch was built paralleling the river channel so that the salty water might be dumped below Morelos Dam without ever being mixed in the Mexican supplies. Water had to be something more than merely wet, it was found, to satisfy the treaty obligations.

By careful management of the releases from the reservoirs in the upper river and control of the drainage outflows, it was possible in 1970 to deliver irrigation water to the Mexican water users of no more than 1278 ppm of salt, a reduction in five years of almost 100 ppm. Meantime the salinity of the Wellton-Mohawk drainage water was lessening, as it was expected to do. Old accumulations of highly saline water were evacuated. Better waters from surface percolation were replacing them in the water table. The dissolved solids in the drainage water dropped in a year from 4130 ppm to 3790 ppm. If improvement continues, less of the drainage water will need to be wasted below Morelos Dam in the future.

The Orange County Water District, the Imperial Irrigation District and the Imperial Valley farmers, and the International Boundary Commission, American Section, and the Bureau of Reclamation, which together improved the Mexican diversions, have demonstrated that new techniques and careful management can offset the effects of progressive degradation of reused water. These three different operations were undertaken when it was discovered that the Colorado River might as well be dry as to be too salty to use.

The lessons being learned in the Colorado Basin should receive the attention of other sections of the state and other areas of the West. That is the point of the Framework studies' findings.

TAX REFORM

Mr. BROCK. Mr. President, there has been much ado about the need for tax reform from many segments of the society. Mr. Ralph Nader has been among the most vociferous critics of the present tax structure. In many articles Mr. Nader has attempted to buttress the arguments of campaigning politicians and to expose the "Great Myth of Progressive Taxation."

I am not here to debate Mr. Nader as to whether there is a need for reform of a tax system itself. Obviously, there are many deficiencies. However, I would like to point to the fact that his efforts are too limited. Certainly, taxes are excessive. The average family is feeling an ever-increasing crunch on its incomes. Yet, tax reform per se is not going to alleviate the country's tax burden.

The key to reducing taxes is simply to cut the amount this Government is spending. Until Federal expenditures are reduced, taxes will continue to be increased.

Mr. President, I would hope that Mr. Nader and others will see the wisdom of urging their constituencies to protest overspending by their Government in Washington.

I ask unanimous consent that an article by Mr. Arch M. Booth, entitled "The Need for Tax Reform: A Reply to Ralph Nader," be printed in the RECORD.

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

THE NEED FOR TAX REFORM: A REPLY TO RALPH NADER

(By Arch N. Booth)

It's election year and time for politicians to engage in playing their favorite tune, called "Tax Reform."

It's a popular tune because everyone hates taxes—and wishes someone else would pay his.

Unfortunately, the tune is usually a cacophony of distorted facts, a score of dissonant chords concerning private enter-

prise, and an insult to the intelligence of the average American.

Others chime in. Witness the appearance of Ralph Nader in these pages on April 16 with an article timed for the eve of the deadline for filing federal tax returns.

In the first paragraph, he claimed that he intended to expose the "Great Myth of Progressive Taxation." Mr. Nader is a master of mislabeling. He should have called the article the "Great Myth of Tax Reform."

Mr. Nader said that 112 persons made $200,000 in 1970, but paid no income taxes because they "took advantage of loopholes unavailable to the ordinary citizen." Before examining that statement, and determining its correctness, we should look at the situation in its proper perspective.

First, let's look at his allegation that a lot of people in top income brackets are not paying any income taxes. Did Mr. Nader or any of the political speakers of recent weeks tell you that taxes were paid by more than 99 percent of the people who made more than $100,000 in adjusted gross income in 1970? Did they happen to mention that of the people in this country who earned less than $10,000 in 1970, only 70 percent paid taxes?

As to Mr. Nader's reference to the 112 persons taking advantage of "loopholes unavailable to the ordinary citizen"—that simply is not true.

The primary deduction listed by 13 of the 112 was for sums given to charity. Twelve used their state income tax payments as primary deductions, and 54 used interest payment deductions.

Any intelligent homeowner recognizes the tax savings that result from the interest payments deduction.

To say these legitimate deductions are "loopholes" is ridiculous. Repeal them and the loss of the huge chunk of deductions that would hit most of those citizens who itemize tax returns could touch off a tax rebellion of staggering proportions.

A statistical report of the Internal Revenue Service for the 1970 taxable year—a report readily available to Mr. Nader or any citizen—shows that Mr. Average American receives his fair share of statutory deductions, taking advantage of them along with taxpayers in higher income brackets.

In the 1970 taxable year, taxpayers with an adjusted gross income of $10,000 or less accounted for 23 percent of the total amount taken for interest deductions by all individuals. Taxpayers with an adjusted gross income in excess of $100,000 accounted for only 3 percent of these deductions.

Another IRS-reported fact: Taxpayers with adjusted gross incomes of $20,000, or less, accounted for 65 percent of all charitable deductions taken by individuals, while those with incomes in excess of $100,000 accounted for only 8 percent.

As for medical expense deductions, taxpayers in the $20,000 or less adjusted gross income bracket account for 76 percent of the total amount of deductions taken by all individuals. The $100,000, or more, income earners accounted for less than one-half of one percent of the amount taken for medical expense deductions.

It stirs our emotions to think that some people do not pay any income taxes and we do. But there are people in all brackets of income who don't pay any taxes because the tax is on net rather than gross income.

Take the man whose wife is hospitalized and depends on a kidney machine to keep alive. If he makes $15,000 a year and pays $15,000 in medical bills, we don't expect him to pay taxes. Nor do we expect a businessman whose business expenses exceed his income to pay income taxes.

Complaints that the Tax Reform Act of 1969 and the Revenue Act of 1971 benefited business over individual income taxpayers are just not founded on fact.

The estimated revenue effect of the 1969 Tax Reform Act on individuals indicates that $16.9 billion *less* will be collected from individual taxpayers for the fiscal year 1970 through and including 1973. For corporations, $12 billion *more* would have been collected during the same period.

The 1971 Revenue Act eased the increased corporate tax burden that resulted from the 1969 Act for the same fiscal years, and further reduced individual taxpayers' liabilities.

The net effect of these two enactments by the Congress is that while corporations will be paying $2.2 billion less in taxes during the fiscal years 1970 through 1973, individuals will be paying $22.2 billion less in federal income taxes. The charge that these enactments were corporation-oriented has no basis in truth.

U.S. corporations bear a huge income tax burden. Total income taxes which they must pay as a percentage of gross national product are higher in the United States than in any of our major competitor nations in Europe, or Japan. As a matter of fact, the percentage in this country is more than twice the average in the European Common Market countries.

And combined total income taxes on corporations and individuals in this country as a percentage of gross national product amounted to 15.6 percent compared to an average of 9.4 percent in Common Market countries.

And when you add up all taxes paid by corporations and individuals in this country—including those we pay for Social Security—government (federal, state and local) is taking 30 percent of our gross national product. What a great big slice to pay for government.

Most people don't think about the effect of business taxes on jobs in this country. Most people apparently are not aware that our balance of trade has sunk to its lowest standing since 1893.

It's no secret that you can buy steel in Japan and ship it to this country cheaper than you can buy it from our own steel mills. Other American businesses are in the same box. But few people relate this condition to taxes.

In Japan and France, business can write-off one-third of the price of a new piece of industrial machinery in the first year for tax purposes. In West Germany, the first year write-off is 17 percent.

Although Congress last year voted adoption of a 7 percent investment tax credit and accelerated depreciation rules, we are far from reaching the kind of tax write-offs enjoyed by our competitor nations.

Surveys show that one-fifth of the plant and equipment in this country is more than 20 years old—and more than 10 percent is technologically outmoded. Some of the most vocal politicians saying that there should be more taxes laid on business are the same ones who opposed tax incentives last year to encourage the purchase of more job-producing machinery and equipment.

In his article, Mr. Nader recited a list of what he said concerned citizens can do about taxes. He should have gone to the real problem: Exorbitant government spending.

If the Federal Government would cut spending, it could immediately cut taxes. Mr. Nader should have urged you to tell your congressman you are fed up with the lack of economy in the Federal Government.

Don't be taken in by his attempt to play you off against taxpayers in other income brackets by suggesting the tax burden could be shifted. Insist on tax cuts through spending reductions.

LONELINESS OF PATIENTS IN NURSING HOMES

Mr. TAFT. Mr. President, patients in our Nation's nursing homes are often isolated and alone. The loneliness and boredom which they share may have a bearing in large measure on their physical condition. In our efforts to improve the quality of nursing home care we may have overlooked the extent to which loneliness and boredom relate to the patient's general well-being.

Recently, Dr. Frank R. Mark, special assistant to the Administrator of the U.S. Public Health Service, Health Services and Mental Health Administration, has developed a program called Prevlab to curb such loneliness and bring a brighter world to those who are patients in our Nation's nursing homes.

Dr. Mark's concept has been recently described in articles published in the Lincoln Journal and the Los Angeles Times. I ask unanimous consent that the articles and a statement by Dr. Mark relative to this program be printed in the RECORD.

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

[From the Los Angeles Times, Oct. 6, 1971]

A DOCTOR'S RX FOR BOREDOM

WASHINGTON.—When Diane Chais, a 21-year-old Maryland secretary, was seriously injured in an automobile accident last fall, she found after leaving the hospital that she would be home-bound for three months with nothing to do.

She had a broken pelvis, one broken arm and a concussion. She was suffering from double vision and had undergone a tracheotomy. Although she was living with her parents and had an around-the-clock nurse, she was bored.

"I couldn't eat or speak or move very much in any direction," she said. "After two weeks of this, I found myself crying most of the time."

At that point, her boss arrived at her house one afternoon with a doll's carriage. There were no dolls inside. Instead, it was filled with hundreds of things: games and puzzles, books, magazines from the 1940s and 50s, collections of rocks, shells and coins, newspapers, magic tricks, crayons, clay, a harmonica, a copy of the Declaration of Independence, a menu from a Chinese restaurant, a box of dried leaves, a puppet, a gas station map and a kaleidoscope—to list a few.

BUSY FOR HOURS

"It was fantastic," Miss Chais said. "I was very sick and couldn't do anything that required much concentration. I never thought—even then—that I'd play games at my age, but I did. And so did my friends who came to visit me. The stuff in that carriage kept us busy for hours."

It was not just an isolated gesture of kindness from her employer. It was the demonstration of an idea that has been concerning him for almost 20 years.

He is Dr. Frank Mark, special assistant to the director of the health services and mental health administration of the Department of Health, Education, and Welfare. His idea is called Previab—the Prevention of Loneliness, Anxiety and Boredom—and he would like to see it utilized in every health care facility in the country.

TIME FOR BASKET WEAVING

"I first noticed it when I was interning in a hospital in Connecticut in 1953," Dr. Mark said. "I had to take care of a large chronic disease ward. There were a lot of women in their 50s and 60s in the ward who'd sleep for six or eight hours, than watch TV or comb their hair. Or they'd have an hour of basket weaving or something.

"After that, they had about four to 10

hours with nothing to do. It's a monstrous problem in hospitals, old-age or nursing homes, or with patients who are recuperating at home, like my secretary was.

"It affects about 10% of our population in the United States—the aged—and another 5% who are institutionalized for illness," he continued. "Although studies have not yet been made, we suspect that someone who sits around and does nothing all day gets badly depressed—and obviously, sooner or later, some will have suicidal thoughts."

That is why Dr. Mark began bringing his patients things. Inexpensive items, like picture postcards, vintage magazines found in old bookstores or restaurant menus. Wherever he went—a walk in the woods, an excursion to the National Gallery of Art—he would pick up things he thought might interest his patients. He packed everything into a valise (until he later learned that something on wheels—like a doll's carriage—was more mobile) and took it to the wards.

"In some cases the patients said, 'Hey—this magazine was really something. I remember all these things that happened during that year. I even showed it to my friends and we spent the whole afternoon looking through it,'" he said.

Then Dr. Mark was hospitalized for a back operation. "I knew I'd be in there for about a month," he said. "So I packed up all my games and things, took along my tape recorder and did lots of things I didn't have time to do at home. Everyone in my ward came in to use the stuff. My room became known as the fun room on the floor."

That is when Dr. Mark began to think about his program in a serious, systematic way. Why not develop a series of multihobby kits for confined patients? Why not try to institute a large-scale program through the Public Health Service?

PILOT PLAN

"I began putting some together," he said. "I kept trying to think not only of the patient and his interests, but the interest of his friends that might come to visit, and the staff who takes care of him."

The result was a pilot plan, outlined by Dr. Mark and currently under study by the National Institute of Mental Health for possible future implementation.

Dr. Mark designed three types of kits. The first, which comes in the doll's carriage, contains the largest number of items and is worth about $50. The second, packed in an attache case, costs about $20. The third, in a small cardboard box, has the smallest number of items and is worth about $6.

"That's the beauty of the kits," he said. "They can be put together at a relatively inexpensive price."

Dr. Mark followed specific guidelines for the selection of the contents of the kits, guidelines which included: appeal to vision, tactile or odor senses: humorous or gimmicky aspect; cultural or historical interest; good conversation starters; and items that do not require prolonged or heavy concentration.

"At this point, the kits are not being designed with different age or interest groups in mind, but they could be," he said. "You could have a kit for children or a kit for intellectuals."

He believes that a program could be instigated by the federal government, at an extremely low cost, utilizing community-based support for the project.

"The Department of Health, Education, and Welfare would provide the guidance and instruction for setting it up," he said. "We could sponsor regional meetings to explain how it could be implemented. Then volunteer groups or schools could take it over.

SELF-STARTING KITS

"Kits could be made up from things students found in their own homes. Then the groups could distribute them in hospitals and nursing homes to the patients. The kits are self-starting—they don't need another person there to show the patient how to use the things in it."

In the future, Dr. Mark hopes to see hospital stores sell multipurpose kits, instead of flower arrangements, and he would like to see all health institutions converted into complete cultural centers. "They should be interesting—with pictures on the walls and different displays in the halls—not places of death and morbidity," he said.

[From the Lincoln (Nebr.) Journal, Mar. 21, 1972]

DR. MARKS: MEDICINE, PILLS NOT SOLUTION FOR ELDERLY'S LONELINESS, ANXIETY AND BOREDOM

(By Bess Jenkins)

More than 10% of aged Americans and others in nursing homes, extended care hospitals and other institutions, including prisons, suffer from a chronic disease called "Loneliness, Anxiety and Boredom" by Dr. Frank Marks of Rockville, Md.

The U.S. Public Health Service physician told a Lincoln audience Tuesday that the solution isn't in a bottle of medicine or more pills.

But his 20-year hobby has uncovered an answer that's free for the gathering and found in practically every American home.

Dr. Marks told how he hit upon the idea of collecting various items from around the house, packing them in a valise and taking them to some aged patients in an institution.

"It not only stimulated the bored person's mind but provided some lively conversations with other residents and visitors for hours," Dr. Marks told the Nebraska Regional Medical Program-sponsored workshop participants.

IDEAL FOR MOBILITY

He later hit upon the idea of putting the nostalgic and conversational items in a doll baby buggy for more mobility among nursing home residents.

He told the nursing home staff members and others here that this is a way to develop intelligent volunteers for their institutions.

Dr. Marks said there is no limits to what such collections can include from an old catalog to art picture sets, travel folders, crayons and colored pencils, magic tricks and games, small collections, humorus masks, puzzles.

"Why," he asked, "must science projects done by students be thrown away by schools when they could stimulate institutionalized persons of all ages for hours or maybe days?"

As an intern some 20 years ago, the former globe trotting public health physician was first struck by the loneliness and boredom faced by many for the rest of their life.

MORE OF A BREAK

"I still say those in older care homes or hospitals get more of the break than those in modern, shining white and aluminum facilities," he said.

"At least they can look up at the cracks in the ceilings and catch an occasional cockroach traveling somewhere," said Dr. Marks.

He oftens tells a proud new hospital or nursing care official that yes, the sterile white facility is "great for the doctor, the custodian and the technicians but lousy for the patient."

If the Maryland doctor has his way, every place caring for the long-term patient would be a cultural center, having changing pictures on the wall and lots of interesting items around the room, even at the risk of inviting "a germ or two."

Yes, Dr. Marks added, the penal inmate's own area should provide this cultural setting, too.

STATEMENT BY FRANK R. MARK, M.D.

One notes with increasing frequency discussions and articles relating to the "poor quality of life" in correctionl institutions, detention centers, chronic disease hospitals, mental institutions, nursing homes, old age homes, and centers and homes for youth. Overall it appears that governmental and voluntary agencies and hard working professionals and volunteers are unable to cope adequately with this problem, and others in communities often feel relatively helpless and paralyzed in getting involved and making contributions. Perhaps one should analyze the concept "poor quality of life" and examine its various components. I would like to focus on the problems of loneliness, anxiety, boredom, and cultural deprivation which obviously are major problems for persons confined in the above mentioned facilities or in their homes.

Upon random examination of such places one notes that most confined persons must endure between four and fourteen hours of loneliness, anxiety, and/or boredom per day. Many such persons are consigned to such a pattern and fate for the rest of their lives and will personally be unable to alter it due to their confinement and the associated problems, be they reasons of health or socio-economic maladjustment. It is estimated that a large proportion of our population, between 10 and 20 percent have these problems at any given time.

Admittedly, they effect primarily the institutionalized and aged. However, there are others with similar problems such as the culturally deprived. Furthermore, most of the rest of our population will probably be faced with these problems at some time in the future either directly or indirectly and for varying periods of time. Their attitudes and activities are to a large part dependent upon the sensory input that is available (things they can see, hear, feel, smell, and touch), and partly upon the role expected of them based on their prior experiences and hearsay.

The major question we should ask ourselves is whether the sensory input available to persons confined (and others) is adequate to prevent or alleviate problems of loneliness, anxiety, and boredom or whether important benefits would accrue by further examining the available sensory inputs. For most facilities the question hardly needs to be raised because it is obvious that they are drab, grim, and uninteresting, hardly the type of places that human beings should spend time in, and most certainly not persons who are confined there due to physical, mental illness or other reasons.

It becomes apparent that we can usually alter the sensory input in a positive direction by introducing high-interest items into the immediate environment and/or by altering or modifying the design and decor of the facility itself. Essentially, to me this means two things: first, the introduction of multi-item high interest hobby-type kits; second, modifying such facilities into "cultural" facilities. Each concept will be discussed separately.

It is difficult to know what a confined person's (or visitors) past and present interests are or what items would stimulate interest or conversation. For this reason one develops hobby kits containing numerous (often hundreds) interesting items. These items can be in cardboard boxes, attaché cases or even mobiles, such as a converted baby carriage. The items can mostly be surplus materials found in homes, schools, libraries, stores, churches, etc., or can be obtained inexpensively in most communities. For example, one of our converted doll carriage kits contains hundreds of items including books, old magazines, museum handouts, maps, pictures, various small collections (shells, coral, coins, minerals, etc.), games, puzzles, travel folders, magic items, materials for arts and crafts, items of historic and cultural interests such as replicas of old documents, etc. Most of the items in such kits were selected on the basis of having visual, tactile or odor sense appeal. Many are humorous or gimmicky. At times

they project the user into a different setting. Generally they make good conversation pieces or lead to activities. Some stimulate visitors to bring additional items. Most are relatively inexpensive, compact, and light. They are not perishable. Many do not require prolonged concentration. Most items can be used by all sorts of confined persons, visitors, and volunteers.

A few small trials using such kits in hospitals and for homebound patients indicate that such kits are tremendously appreciated by patients and their families. A time study indicates that the kits were used over and over again for prolonged periods of time by both the patients, members of their families, and visitors. Such kits can be developed by almost anyone in a community, particularly by groups such as school classes, scouts, women's clubs, church groups, etc. Obviously, there is no end to the possible content of such kits, and it can be a continuing challenge to make them as interesting as possible. One can well visualize the day when numerous different types of kits assembled by family members, friends and volunteers will be available in a given facility and that they will continuously be used and exchanged among the confined persons. Furthermore, one can conceptualize that various ongoing programs in a community, such as schools (or individual classrooms) have continuous relationships throughout the years with a variety of facilities that could use their products, for example, science and arts and crafts projects to jails and old age homes.

Regarding facility design, construction and decor, the present trend of "aluminum, glass, and concrete" facilities for chronic disease hospitals, nursing homes, correctional institutes, and old age homes without major provisions for human related and changing inputs (sensory) for confined persons is indeed a step in the wrong direction in terms of preventing loneliness, anxiety, and boredom. A culturally sterile environment should be avoided by all means. Needed are facilities where most rooms and their components are relatively unique—where no two rooms are alike. The walls, floors, and ceilings should have different designs, patterns, furnishings, drawings, color schemes, etc. The walls should permit for changing pictures, projections, or exhibits. Provisions for storage of multi-hobby kits should be made. Adequate closed-in exhibit space should be provided in hallways so that local collectors and educational institutions will be attracted to the facility to exhibit their collections and to discuss them.

Various groups throughout the community should contribute to designing the various rooms such as the arts and crafts groups from local schools and colleges. Some space should be made available for local talented groups such as musicians, artists, and drama groups so that they may at least hold their rehearsals or some classes in such facilities. A few animal pens should be provided which could be cared for by some of the children in the community (scouts) making possible contact between the inmates, for example, the elderly, and children. The development of such cultural facilities would attract numerous persons in the community who have talents and who at this time are not contributing to the isolated and culturally have-not population.

The above concepts have obvious implications for future health planners, facility architects, governmental agencies charged with the responsibility for various confined persons, planners for new recreational industries, superintendents of school systems, etc. It is obvious that new standards of care will have to be developed which take into account the need for cultural care. It makes only partial sense to keep persons alive but give them nothing to live for in terms of spiritual values, useful activities, and future hope for an interesting life. This is equally true for persons who will be confined for the rest of their lives as it is for persons who will have only limited confinement. Let us try to look into the future and see what various facilities might be like if some of the above concepts are applied.

For example, in a chronic disease hospital or a nursing home, a physician may not only have prescribed for a patient's medical care but also for his cultural care to prevent loneliness, anxiety, and boredom. In the mornings different multi-hobby kits may be wheeled into his room. During the day he may walk throughout the facility and look at different demonstrations or talk to other patients regarding various aspects of their hobby kits and/or the materials decorating their rooms. A few volunteers from the local high school or college may stop by to discuss the products of their classroom activities. A member of the family or a neighbor may bring some items and discuss them with the patient. A few volunteers in the hospital may be putting together a new kit or refurbishing some that have been used. Volunteers in some of the local churches may be out collecting surplus items from parishioners and/or developing kits and dropping them off at a local correctional institution.

A few students from a home economics class or student club may be making home visits to homebound patients bringing along various kits that they have made up in class. Some of the students may even have gone out to old age homes and helped in the redecorating of rooms, halls, etc. The local band or orchestra may be rehearsing in an old age home. One can go on and on with possible activities involving large numbers of presently interested and talented people in our communities. Anyone that thinks that these are senseless dreams had better face up to what the present sordid state of affairs is and what the future may hold in store for him, his family, and his friends. Further, he may wish to contemplate on the potential benefits for future volunteers, especially the presently idle or "copped out."

For the past few months we have had a small PREVLAB (Prevention of Loneliness, Anxiety, and Boredom) demonstration at the Health Services and Mental Health Administration, Parklawn Building (U.S. Department of Health, Education, and Welfare—Public Health Service). The demonstration is located in Room 18A–30 at 5600 Fishers Lane, Rockville, Maryland. It is essentially designed to indicate what the problems are and various do-it-yourself approaches as discussed above including a small exhibit of variety of multi-hobby kits and of a small-scale "hospital as a cultural center" model. The feedback regarding the demonstration so far by both health professionals, persons interested in the aged and others, indicates that the problems discussed above are extremely serious, that some of the approaches suggested are highly relevant, and that various groups such as volunteers are willing to experiment with some of the approaches.

As we look ahead to the 1976 United States Bicentennial Celebration, should we not perhaps set as National, community, or in some cases institutional, goals for the elimination of loneliness, anxiety, and boredom—people serving people, in order to make ours a more humane society?

BLOOD TRANSFUSIONS—A GROWING MENACE

Mr. HARTKE. Mr. President, more than 3,000 people will die this year from serum hepatitis contracted from contaminated blood. This year, 30,000 Americans who have a blood transfusion will become seriously ill with serum hepatitis. The danger of receiving contaminated blood during transfusions is a growing menace which cannot be ignored any longer.

Nationwide blood bank standards are essential if we are to prevent the unwise and unscrupulous practices which are followed by all too many of the commercially operated profitmaking blood banks of this country.

The Senator from Illinois (Mr. PERCY) and I have introduced S. 2909—the National Blood Bank Act—to meet this precise need.

The chances of receiving contaminated blood are between 11 and 20 times greater when the blood comes from a commercial bank than when it comes from a purely voluntary blood bank. If we are to prevent thousands of needless deaths we must bring the issue of blood bank standards and donor regulation before the Senate at the earliest possible date.

Recently, I received a letter from Mr. Saul Leibowitz which provides a rather poignant example of the menace of bad blood. His wife of 35 years had a major operation at a hospital in New York. She was in intensive care for 6 days. After an extended period of recuperation, however, she was discharged from the hospital. Two and one-half weeks later she went back to another hospital in New York and 10 days following that she was dead. Both the doctor's and the coroner's reports listed the cause of death as serum hepatitis acquired through blood transfusions given to her during her first operation.

Mr. Leibowitz cries out for justice. He says:

> Certainly if I were told the facts about blood and blood banks, under no condition would I have allowed my wife to use the blood bank facilities and I am more than certain that I could have supplied the blood that was needed for my family and possibly she could have supplied her own . . . I know that one has to pass on sooner or later. If she had died under the knife or had a disease, I could accept that. To me it is the same as if we went to a doctor and instead of injecting a penicillin shot or other remedy, he injected arsenic. What could the authorities classify this if not murder?

Mr. President, I call upon Senators to give their every and profound consideration to S. 2909, the National Blood Bank Act.

DESTRUCTION OF HISTORIC BUILDINGS

Mr. TAFT. Mr. President, in recent years I have become more and more concerned about the destruction of old historic buildings in our Nation's cities. Under the guise of urban development, we have allowed speculators, promoters, highway builders, and parking-lot developers to tear down buildings which are of artistic and historic significance to our Nation. The charm and grace of America's past is rapidly being destroyed by bulldozers and bureaucrats.

As we approach our Nation's bicentennial, I believe that an increasing number of Americans reflect this concern and seek to preserve these older buildings.

In this regard I have written to the President on April 28 and suggested that

he call upon our citizens to preserve these artistic and historic structures. When I shared a copy of this letter with Mr. Daniel Porter, director of the Ohio Historical Society, I received his views in a letter dated May 11.

Mr. President, I ask unanimous consent that the letters be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., April 28, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: With the advent of our nation's bicentennial, we have an appropriate occasion to renew America's links with the past. This is particularly true with respect to our nation's cities and the preservation of our old and historic buildings which are a cherished part of American life.

Unfortunately, we read that old historic buildings are being torn down to make way for expressways, parking lots, and office buildings. In our nation's capital, for example, one of Georgetown's oldest buildings was recently destroyed to make way for a hamburger stand.

I would suggest that, as President, you could address the country on television and call for the conservation of our older buildings and places of historic interest as a way of preparing America for our bicentennial. This would not only serve the purposes of history but would show a renewed concern for our cities and the preservation of structures which young and old, black and white, rich and poor alike can enjoy.

We should not cut these important ties to America's past. The grace and charm of Georgian and Federal buildings are an important part of our nation's heritage and I would hope that we could undertake a national effort to conserve them for future generations.

Sincerely,

ROBERT TAFT, Jr.

THE OHIO HISTORICAL SOCIETY,
Columbus, Ohio, May 11, 1972.

Hon. ROBERT TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: Many thanks for the copy of your letter to President Nixon in which you suggest the President appear on National Television urging individuals and corporations to preserve historic landmarks.

If the President decides to do this, we believe it would have a most favorable impact upon the private sector in awakening an interest in the subject and promoting a realization that historic preservation is the highest order of progress with great economic viability.

I am enclosing a little piece I did on the subject some time ago which may be of interest to you.

There is, I believe, another direction which the President could take to foster historic preservation through existing law and federal regulation. Many of our cities, large and small, are preparing urban renewal and improvement plans for federal funding through HUD. All of these plans require review by a multitude of state and federal agencies before the plans are approved. In reviewing these plans for Ohio cities such as Sandusky, Toledo, Alliance, Loveland, and a number of others recently, I noted that there is apparently no requirement by HUD that municipalities in their planning process inventory structures and sites for architectural and historical attributes, with or without developmental potential. I believe this is a serious weakness in the urban planning process across the state and nation and possibly a failure to comply with the letter and spirit of Title I, National Environmental Policy Act of 1969. HUD, if instructed to do so, could, I believe, very easily require city, county and regional planning groups to secure expert architectural and historical services, as it does in other fields, in preparing urban renewal and improvement plans. Only in this way can many an historic structure be recognized at the start of planning and considered seriously for restoration rather than demolition in many instances.

We deeply appreciate your interest in historic preservation. It is a growing concern of many Buckeyes and Americans. At long last there is federal and state machinery to guarantee the consideration of preservation in highway, water impoundment, and other public works projects, considerations still apparently lacking in urban renewal.

Sincerely,

DANIEL R. PORTER,
Director.

ESTABLISHMENT OF LOWELL NATIONAL CULTURAL PARK

Mr. KENNEDY. Mr. President, I am happy to cosponsor today with my colleague from Massachusetts (Mr. BROOKE) a bill to establish a national cultural park in the city of Lowell, Mass. Representative F. Bradford Morse introduced identical legislation in the House on April 26, 1972.

The legislation we introduce today is unique to accommodate the unique city of Lowell, Mass. Lowell, the birthplace of the industrial revolution in America, has experienced both the growth and the decline that single-industry centers have faced throughout our industrial history. We have seen in recent years, extensive efforts to preserve those sites of significance in our political history and in our growth as a republic. But little effort has been aimed at conserving for future generations areas important in our industrial, economic, or social heritage. The legislation we introduce today will preserve for generations to come the educational and historical site of the first city in the United States planned to accommodate the industrial revolution.

Lowell lies at the conjunction of the Merrimack and Concord Rivers, 30 miles northwest of Boston. Residential and commercial sections of the city are intertwined with a network of canals, locks, and gatehouses, and the area is dotted with abandoned textile mills which fostered the growth of this lovely city.

The burst of growth for Lowell began during the colonial period when its textile mills freed colonial residents from paying exorbitant prices for imported clothing. Even while the textile industry flourished and the city grew, the warning signs of one-industry dependence loomed over the city. The Middlesex Canal, finished in 1803, the first canal constructed in the United States for both passenger and freight, had been a financial success for only 18 years. But regardless of the inevitable decline by 1918, one-fourth of all cotton fabrics and one-fifth of all cotton and woolen goods were manufactured along the Merrimack. During the peak of textile manufacturing in Lowell, more than 20,000 people were employed in the mills. It was only after World War I, when the major textile mills moved South, the residents of Lowell were left with a rising unemployment rate, a shortage of housing, closed mill gates, deserted buildings, and polluted rivers.

But the city of Lowell retained its most valuable resource—its citizens. The city of Lowell has been characterized as a living exhibit of the process and consequences of the industrial revolution. And it is to the devastating consequences of an industry-deserted city, that the citizens of Lowell have turned their attention and concern.

Lowell was recently selected as an All-American City for 1971 because it had made such outstanding progress in the fields of education, drug programs, and the model cities program. The legislation we cosponsor today is a direct result of the efforts of Lowell Model City Administrator, Patrick Mogan, who has worked the Acre section of Lowell in the model cities program into the fabric of the cultural park concept for the whole city. The people of Lowell are fortunate to have had Patrick Mogan's vision and energy; and he is indeed fortunate to have had the commitment and the dedication of the citizens of Lowell.

This legislation to establish the Lowell National Cultural Park calls upon both the Department of the Interior and the Department of Housing and Urban Development to cooperate in assuring the unique characteristics of the very special city. We have set aside park lands in cities before; but we have not drawn on our cities greatest recreational and educational resource, the urban setting itself.

The 5½ mile network of canals in Lowell provides an excellent framework for a continuous series of educational experiences. Exciting plans have been developed for the reactivation of a mill complete with 18th century looms, technological museums, and recreation of an early settlement. Recreational opportunities along the canals include boat trips, promenades, park space, and perhaps day swimming. A boat excursion on the Merrimack might recreate Thoreau's route in "Week on the Concord and Merrimack."

A Lowell National Cultural Park would be a recognition on the part of the Federal Government of the efforts by the citizens of Lowell to withstand the pressures of time and progress to preserve a unique urban center for future generations. Anyone visiting the city of Lowell can sense the involvment and commitment of its people to making this city the best possible place to live. We can assist them by expanding their efforts through Federal funding toward preserving all that is unique about their heritage.

HAMILTON COUNTY POLICE APPRECIATION AND AWARDS

Mr. TAFT. Mr. President, today I join with the citizens of Hamilton County, Ohio, in honoring several outstanding law enforcement officers on their distinguished and dedicated community service.

Men such as these have undertaken

the obligation of protecting all of us, often at great personal risk. They should be highly commended and heartily congratulated. By focusing public attention on their outstanding achievements, police work is enhanced with all individuals. This recognition of the guardians of our law aids in creating the public understanding, support, and respect these people need and deserve.

There is a growing recognition that a competent, efficient, and dedicated law enforcement establishment is an asset and at the same time a necessity for this and any civilized society.

I ask unanimous consent that an editorial from the Cincinnati Enquirer today be printed in the RECORD in honor and recognition of the achievements of the Cincinnati area law enforcement agencies as well as law enforcement agencies throughout the United States.

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

APPRECIATING THE POLICE

The Greater Cincinnati Chamber of Commerce, the Fraternal Order of Police Associates and the Cincinnati Citizens Police Association will be speaking, in reality, for all of Hamilton County on May 16 when they single out 10 police officers and one private citizen for special recognition. The occasion will be the seventh annual Police Appreciation Awards banquet at the Netherland Hilton, and it is easy to imagine that this year's affair will be even more successful than its predecessors. The reason is simply a growing recognition that a competent, efficient, dedicated law-enforcement establishment is all that stands between civilization and the jungle.

Recipients of the 1972 awards will be Patrolman Orville Clark, Cincinnati, who receives the valor award; Patrolman Floyd Lanter Jr. and Chris Waldeck, Cincinnati, who will receive a special award for heroism; Chief Donald L. Shanks, Mariemont, outstanding contribution to law enforcement; Cadet Dale Autenrieb, Cincinnati, outstanding cadet; Lt. James Stanley, Cincinnati, work with children; Detective Marvin Friedman, Cincinnati, investigative work; Capt. Howard Espelage, Cincinnati, police leadership; Lt. Norman Hughes, Cincinnati, improvement of police operations, and Sgt. Thomas Bepler, Cincinnati, academic achievement.

As a reminder that law enforcement is a responsibility of the citizen as well as the trained professional, the awards' sponsors have chosen to present their citizen's award to the Rev. C. L. Conner, pastor of Pilgrim Baptist Church in Walnut Hills. The Rev. Mr. Conner is being hailed in particular for his work as head of the Involvement Committee for Law and Order, an interracial movement aimed at making the Queen City a safer and more law-abiding community. He has spoken out consistently in favor of law, order and justice—frequently at considerable personal peril.

The people of Greater Cincinnati owe the sponsors of this seventh annual series of Police Appreciation Awards a notable debt of gratitude for reminding the community of the endless task of law enforcement and the public understanding and support they need and deserve.

THE ORSA REPORT

Mr. HART. Mr. President, an ad hoc committee of the Operations Research Society of America published in the September 1971 edition of the society's journal its findings of its study of the professional conduct of the debate over deployment of the Safeguard antiballistic missile system.

On February 17, the Senator from Missouri (Mr. SYMINGTON), the Senator from Kentucky (Mr. COOPER), and I placed in the CONGRESSIONAL RECORD statements and letters from various scientists generally critical of the study. Additional material also was placed in the RECORD at subsequent dates.

Robert E. Machol, president of the society, responded in a letter dated April 24, and asked that his letter be published in the RECORD.

In the interst of fairness, we have agreed to Professor Machol's request.

In asking unanimous consent that Professor Machol's letter be printed in the RECORD, we add only the comment that we stand by our general conclusions made in the February 17 statements.

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

OPERATIONS RESEARCH SOCIETY OF AMERICA,
Chicago, Ill., April 24, 1972.

Senator JOHN SHERMAN COOPER,
Senator PHILIP A. HART,
Senator STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATORS COOPER, HART, and SYMINGTON: On November 4, 1971 you sent a questionnaire to some scientists concerning the Report by the Ad Hoc Committee on Professional Standards of the Operations Research Society of America ("the ORSA Report"). Subsequently you entered into the Congressional Record replies from some of these scientists, together with at least one unsolicited response (namely my own). Most of these were entered on February 17, 1972 (pages S1921–S1951), with additional responses entered on February 29 (S2839–41) and March 7 (S3521–23).

There have been many startling falsehoods circulated about the report, but I and my colleagues on the ORSA Council have not responded to them, preferring to let the report speak for itself—on the apparently naive assumption that people would read the report before criticizing or praising it. My short letter to you has been my only public statement on the report since it was published. However, the material entered by you in the Record does seem to require some response, and I would appreciate your placing these comments, too, in the Congressional Record.

In what follows, all my quotations are from the Report itself (identified by "R") or from the cited material in the Congressional Record (identified by "S"). My comments fall under four headings: the representative character of your respondents; the nature of the questions you asked; identification of blatant falsehoods, misrepresentations, and distorted logic in the responses which you have printed; and the effects produced by the Report.

THE RESPONDENTS

You have stated that you "wrote to a representative group of scientists, all of whom were involved in the ABM debate between 1968 and the present" (S1922). I do not know to whom you wrote, but the respondents whose letters you have printed do not appear to be representative of both sides of the debate on the ABM or the debate on the ORSA report. Let me state again, as we have so often before, that the Report is neither pro-ABM nor anti-ABM (R–1175), and that some of its authors are anti-Safeguard (R–1124).

To start with, you wrote to five of the thirteen members of the ORSA Council; was it coincidence that these were the five signers of the "minority statement"? Counting their joint letter as one, and omitting my letter (which was unsolicited) and the response by Foster (which was an acknowledgement, not a response), there were 24 responses. The authors of these include Chayes, Rathjens, Weinberg, and Wiesner, the professional quality of whose writings and testimony was criticized in the Report, but not Wohlstetter, the professional quality of whose testimony was praised. Your respondents include anti-ABM witnesses Brooks, Chayes, Drell, Goldberger, Killian, Kistiakowsky, Panofsky, Rathjens, Ruina, Scoville, Wiesner, and York; but only three pro-ABM witnesses. Your respondents include the same Chayes, Rathjens, Weinberg, and Wiesner, who edited the anti-ABM book, *ABM: An Evaluation,* published in 1969, and contributed its major chapter, as well as Doty and Kistiakowsky, whom the editors thanked for their help with the manuscript, and Ruina, who reviewed the book favorably in the *New York Times;* but none of the contributors to the pro-ABM book, *Why ABM?,* which was published at about the same time. Your respondents include Chayes, Drell, Goldberger, Halperin, Kistiakowsky, Rathjens, Scoville, Wiesner, and York, all Sponsors or Council members of the Federation of American Scientists, which has actively lobbied against the Report as well as against ABM, but none of the equally available scientists who has publicly praised the report. It included Rathjen's superior (Ruina again) when he worked at ARPA in the Department of Defense, and his deputy (Margolis) when he worked at the Institute for Defense Analyses. No less than twelve of the twenty-four responses were written by faculty members of MIT and Harvard, but none were from institutions in or near the states which you represent. Last October, Professor Ruina of MIT wrote me, suggesting that I appoint a "balanced group of individuals" to investigate the ORSA Report; your respondents include five of the ten men in his list.

THE QUESTIONS

"It is the nature of questionnaires that brief answers are of necessity strongly influenced by the manner in which the questions are formulated" (S1946). Another respondent puts it more strongly: "Your questions . . . formulated by your staff in such a manner as to make it difficult to get answers not desired" (S1925).

For example, questions 1 and 2 (S1924) cannot conceivably be answered other than "no" by any intelligent responder. Such a response would then seem to imply some criticism of the Report, although there is no logic behind it. I have already discussed this (S1937).

Question 3 misleads in a different way. It is introduced by the statement "In projecting the vulnerability of Minuteman, much was believed to depend on whether one considered reprogramming of Soviet missiles for failure . . ." The critics have repeated this assertion over and over, but this does not make it true. The Report cites lengthy and convincing arguments against this (R–1163–64, R–1171, R–1186–1191), and specifically criticizes Professor Rathjens for failing to respond to this point (R-1192). It further shows that under some circumstances "reprogramming has only a minor effect" (R-1203). But your question simply assumes all this away.

One of your questions, Number 7, was indeed fair and highly pertinent: "Was the inquiry by the Ad-Hoc Panel technically correct and competent in its findings?" Several of your respondents who criticized the report cannot find anything technically wrong with it, but couldn't quite bring themselves to admit that: thus their answers: "My quarrels with the report are its over-emphasis and major ommissions as described in the

above responses" (S1920). "Since the panel considered such utterly trivial aspects of the whole ABM question, it is likely they got the correct answers to the simple questions they posed" (S1935). "Some, but not all, of the findings were technically correct in a narrow sense, but the inquiry was, nevertheless, not competent" (S194). Several of your other respondents seem to feel that the only question that the panel undertook to answer, namely whether or not errors had been made in the operations research analysis, was trivial. For example. "It is difficult to overestimate the trivality of the issue upon which the ORSA panel focused" (S1936). "Whether ORSA's specific criticisms are partially valid or not is of small consequence" (S 1937). "Some persons may, indeed, do their sums more carefully as a consequence" (S 1950). It would appear that even these anti-Report respondents cannot find anything substantive to criticize in the Report.

THE ANSWERS

In response to this same question, "Was the inquiry by the Ad-Hoc Panel technically correct and competent in its findings?" one of your respondents stated (I quote him in full, S1920) "I subscribe to Professor Rathjens' comments on this question and cannot improve upon his judgment." And what is Professor Rathjens' unbiased judgment on this issue? "The report of the ad-hoc committee is incompetent even if measured within the narrow framework in which it chose to work and even if one restricts one's consideration to matters of operations research." The same scientists goes on to answer your question, "Did the ORSA panel apply the same standard of judgment to all witnesses who testified both pro and con? by answering "no" (again I quote him in full). And on what does he base these judgments? "I have not studied the ORSA Report and have seen only the 26 page reply by Wiesner, et. al.,[1] to it and the replies of Professor Rathjens and Profesor Bode to your questions." This same scientist further criticizes the ORSA Report because "The problem is that the conclusions were, by implication, based on an evaluation of all the testimony, whereas only that of the opponents was evaluated in detail." Several of your distinguished respondents apparently had made up their minds on political rather than substantive bases, and at least one other respondent who bitterly criticized the Report has told us orally that he had not read it; but only this one is willing to make such a disarming admission in writing.

Many of the misstatements in the responses are so complex that it is difficult to controvert them without rewriting most of the report. But some are simple. For example: "The publication of the Report was only just approved by the Council of the Operations Research Society, the vote being 6–5 with the President of ORSA breaking the tie." (S1938). In fact, the Council has 13 members. The vote on May 5, 1971, was 10–1 for approving publication, with the President and one other member not voting. On August 19, five members of the Council signed a "minority statement" with which the other eight members disagreed; these five included the man who had originally voted disapproval, and three men who had not been members of the Council on May 5. They did not disagree with any of the facts, interpretations, or conclusions of the Report. Their objections were to undertaking the study in the first place, and to the mechanism of publication. These objections are well summarized in their statement (which you have printed) and are refuted in my reply (which you have not printed). Both their statement and my reply were published as part of the Report.

[1] Rathjens, Weinberg, and Wiesner.

One of your respondents has referred to "the ORSA Committee Report and the vigorous efforts to give it wide publicity" (S1937). In the history of public relations, less vigorous publicity efforts than ours would be hard to find. We delayed publication until after the vote on the ABM had been taken by Congress. We sent out a release only because it appeared obvious that the press would comment, and minority and majority members of the Council agreed that it would be desirable to have a common release date. We sent to the press some 20 copies, with a one-page covering statement[2] saying, in essence, "Here is some material which might be of public interest." Senator Hart has wryly suggested that "the operations research analysts on writing their conclusions" (S1921). We plead guilty to naviete in PR; we prefer to be judged on the accuracy and technical competence of the Report.

Another myth: "The report was consequently published without review" (S3523). Anyone who has taken the time to read the Report will find listed there the details of the review, including the fact that "this report has received far more review and editing than is usual for papers published in our Journal." (R–1258)

The anti-Report respondents almost unanimously found us biased on the grounds that we found more errors on one side of the debate than the other in the restricted areas which we chose to study. These assertions appeared particularly in response to question 9: ". . . the ORSA Panel failed to reveal any criticism against . . ." (S1941). "It did not comment on . . ." (S1942), "ORSA applied no judgment whatsoever to the testimony of many of the witnesses." (S1944), ". . . they did not even analyze the testimony of many witnesses . . ." (S1946), and so on. There is a fascinating bit of logic here, valid only if one is willing to grant validity to the theorem that in any debate the errors must be uniformly distributed among the protagonists.

This accusation of bias has dominated much of the criticism of the Report, and was central to the 26-page document by Rathjens, Weinberg, and Wiesner cited above (which has been inserted in the Congressional Record on October 15, 1971, and again on October 19) and to the article in *Science* Magazine last October, nominally on the Report, but in fact mostly on the 26-page attack on the report. We tried not only to obtain an unbiased committee, but also at every stage submitted all our results and documents to those whom we criticized. However, as one of your anti-Report respondents admits, they "took what can only be called a snotty attitude toward the whole matter" (S3523). Another respondent thinks that "when the opponents did not choose to participate, had the Committee intended to be evenhanded, they could have gone to great lengths . . ." (S1935). We did. Professor Morse has pointed out that "I was asked to be Chairman of the Committee which was to write that Report. I refused . . ." (S1939). I am happy that he has released this information, and since he has, I hope that Professor Ruina will not now mind if I now report that he also was asked to serve on the Committee, and he also refused. Does this suggest bias in the selection of Committee members?

Another respondent states "Since I have never heard of any of the members of the Committee, with the exception of the ubiquitous Mr. Wohlstetter, I am not sure how technically able they might be. The very fact that I have been in the business for fifteen years and had never heard of these people makes me very skeptical" (S1935). Mr. Wohlstetter, of course, was not a member of the Committee; I assume the people he is attempting to belittle are the six men who were. I assume he does not read the scholarly literature in this field, where they are all heavily represented; and that he discounts their qualifications as listed in the Report (R–1126, R–1257). Presumably the people whom he has heard of are the administrators of science who sit on the influential committees; this might be the same group whom another respondent has described in referring to "the stranglehold of technical experts, usually Defense Department controlled, on issues of major military policy and weapons deployment" (S1929). But the one wishes us to use these men on the Committee, and the other wishes us not to; it is hard to please them both.

"None of the six persons whose conduct was found at fault . . . considers himself to be engaged in operations research" (S1949). Nonsense. For many years Professor Rathjens has listed himself in *American Men of Science* with his specialty as operations research. But regardless of what they call themselves, these men were all engaged in operations research when they gave the testimony which the report examined—unless one is interested in the quibbling distinction between operations research and systems analysis which Professor Rathjens draws (S1942). This distinction was highly relevant when Professor Morse wrote the first book on operations research nearly thirty years ago; it was already obsolescent, as I pointed out,[3] when I wrote the first book on systems engineering more than fifteen years ago; and its irrelevancy today is indicated by the masthead on our Society's newsletter, which identifies our acronym with "operations research/systems analysis".

This brings us to the question of whether operations research is pertinent to the controversial issues in the ABM debate, a question to which many of your respondents have addressed themselves at great length. Their criticisms are of two sorts: that operations research should only be applied to narrower questions; and that operations research should only be applied to broader questions. More specifically, the first type of criticism asserts that operations research requires many disciplines, and many assumptions; and therefore "operations research has little to do with intelligent judgments on any of these questions" (S1943). The second type asserts that "a reasonable evaluation of the ABM debate would have to consider the whole Safeguard question" (S1943, same author).

Under the first heading, many of your respondents made much of the banality that in these matters, varied assumptions can yield differing conclusions (S1929, S1938, S1948). That is a characteristic not only of reasoning in operations research, but of any scientific argument. Several respondents asserted that we had praised the assumptions of one set of protagonists, and criticized those of the other: "Does the ORSA Committee feel that an appropriate ORSA research standard is to accept as gospel any judgment made by Dr. John Foster, DDR & E?" (S1945); answer: "No, ORSA doesn't feel like that". "It criticized opponents for making what it regarded as unrealistic assumptions" (S1942). "Professor Wohlstetter was commended for having taken this tactic into consideration" (S1945). "The assumptions of the pro-ABM witnesses were almost always taken as a matter of fact while those against the ABM were censured for not having used the same assumptions" (S1946). "Much of the Panel Report consists of judgements on the assumptions . . ." (S2839). In fact, the ORSA Committee did not distribute praise or blame for the "cor-

[2] Attached.

[3] "there has been a recent tendency to broaden the definition of operations research so that it is practically synonymous with systems design".

rectness" of the assumptions used by either side of the debate. It did (a) examine whether the inferences made from the various assumptions were valid; and it did (b) criticize participants in the debate for incorrectly characterizing what they had assumed: for example, for stating that they had used "the Defense Department's most worrisome projections" (R–1154) or "giving every advantage possible to the enemy" (R–1196) then they had not; and it did (c) deplore the failure to make their assumptions explicit and open to check by their peers (R–1192), for failing, as the Report says, "to meet elementary standards for proper presentation of results to permit verification and meaningful dialogue."

Let us put this question of assumptions in perspective. The anti-Safeguard forces have made much of the assertions that if the Russians have very few SS–9's, the Safeguard not needed; and if the Russian's increase their SS–9's indefinitely, then a low level of Safeguard deployment is not effective. Without arguing the cost/effectiveness of such measures, it is still reasonable for a Senator to ask a scientist a question such as the following: "If the Russian's have 500 SS–9's, and if each SS–9 has a certain number of MIRVed warheads, and if each warhead has a certain accuracy, if there is a certain reliability, and if the silo's have a certain hardness, then what fraction of our Minuteman force might be expected to survive a Russian first strike?" The answer to that question can be given unambiguously by operations research, and senators have a right to expect that experts testifying before them will give an unambiguous answer to it. In fact, Mr. Rathjens said 25% and Mr. Wohlstetter said 5% (and other scientists gave numbers as high as 76%). They were then asked to confront each other and asked why their responses differed; and each insisted that the other was wrong. To the resolution of that question, operations research is appropriate.

This is where the issue stood when Professor Wohlstetter asked ORSA to investigate the matter. It is hard to remember now how great the disagreement was then. For example, Rathjens now says "My belief is that some degree of reprogramming would probably be technically feasible, e.g. that which would compensate for missiles not in alert status, for failures during countdown, and probably for launch failures" (S1941).

But at that time he was saying "The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failure of others. Mr. Wohlstetter has assumed perfect information would be available to them . . . I have assumed they would not be able to obtain and use information about such failure in a timely fashion. This accounts for most of the difference in our estimates of Minuteman survival" (R–1170). Mr. Wohlstetter's assumptions were actually very similar to those which Mr. Rathjen's now accepts; but he kept insisting that this was not "the major difference." Apparently the ORSA Report has clarified some of these issues.

Having asserted that operations research cannot illuminate such narrow questions as vulnerability, because everything depends on assumptions, the critics went on to assert that the Committee should have addressed the broad question of desirability of Safeguard, and that failure to do so somehow invalidated the report. I have quoted above some of the assertions that the subjects on which the report concentrated were unimportant. But your respondents go much farther: "The ORSA report, in keeping with its own guidelines for professional practice, should have focused on this more important issue of whether Safeguard will do the job asked of it" (S1929); "My most severe criticism is that the report deals only with the less important part of the ABM question" (S1939).

That many others said the same thing is not surprising—it was invited by your question 2: "Was it possible to make a meaningful judgment considering the narrowness of the inquiry?" Judgment of what? You do not state. Was it possible to judge the utility of Safeguard? Of course not, and the Committee made it very clear that it made no attempt to do so. Was it possible to judge professional conduct during the debate? Perhaps; at least this was the committee's clearly stated objective. Perhaps the Committee should be criticized, but not for failing to do something which it never intended to do, which it clearly stated it was not doing, and which in any case we all agree would have been impossible—namely to apply operations research and thereby to determine objectively whether Safeguard were good or bad.

"That the ORSA panel permitted Wohlstetter to define its agenda, and then chose to hide that fact, is inexcusable, totally unprofessional, and in complete violation of the standards. . ." (S1936). Four other respondents make the same baseless criticism (S1937, S1942, S1943, S1944; "highly unethical", S1945). Still another asserts "For reasons not explained in the Appendix, the ORSA committee chose to concentrate its analysis on a single question relating to the damage which could be done to the American Minuteman force by one hypothetical Soviet force." (S1935). In the first place, the Report makes quite clear the reason for its selection of issues. Second, Professor Wohlstetter did not request the Council to restrict the investigation to Minuteman vulnerability. Third, the Report commented on a wide range of other issues (especially in Section V, R–1217–1237). Professor Wohlstetter's letter was long, so we excised most of it, indicating the deletion appropriately. This material is part of what is covered in more detail elsewhere in the report, and it would therefore have been redundant. The full letter was sent to Professor Rathjens, and Professors Wiesner and Weinberg acknowledged that they had seen it (R–1250). The full letter was given to all members of the Council. Can you not imagine how these same critics would have complained had we reprinted in full the unedited mustering of evidence by one of the protagonists?

There is much more to controvert in these responses. Some of the arguments are straw men: "To suggest that opponents of deployment should not make their case because they lack or cannot use all of the information possessed by the Pentagon is to argue that in many cases no opposition should be made at all" (S1921). I couldn't agree more. Who made that suggestion? Certainly not ORSA. Other arguments are devious and would require too much space. I think the point has been made—and was made in the Report (R–1148): some of these men are so enthusiastic in their advocacy that they have lost their objectivity as analysts.

THE EFFECT OF THE REPORT

Your motivation in soliciting these responses was "that the report might inhibit . . . scientists from entering public debate" (Senator Hart, S1921); "they might have an adverse and inhibiting effect upon the willingness of scientists to appear in public testimony . . ." (Sen. Cooper, S1922); "it would indeed be detrimental to the decision making process if these experts were intimidated" (Sen. Symington, S1923). I share your concern. But I do not believe that the ORSA report will intimidate witnesses who meet high professional standards. My own worry is quite the opposite. I am far more concerned about the lurid phrase concerning "the stranglehold of technical experts, usually Defense Department controlled, on issues of major military policy and weapons deployment" (S1929) and "for a group, under the auspices of a supposed scientific society, to publish a study of this nature is almost unbelievable, and raises questions as to its independence from the military-industrial complex" (S1944). One of the Report's six authors was subjected to an ad hominem attack in the 26-page document by Rathjens, Weinberg, and Wiesner cited above, and there have been others.

Some scientists might be intimidated by the insinuations, all too frequent during the debate, that they were not their own men, but under someone else's "control". At the very least they might with justice be greatly offended by such charges—as one of your respondents was (S1939). But acting in the role of scientist rather than lobbyist, no scientist should feel intimidated by the need to make his assumptions and methods explicit and open to check by his peers. That call for a greater openness is a plain message of the ORSA Report. And if "some persons may indeed do their sums more carefully as a consequence" (S1950), then the effect of the Report will have been salutary indeed."

Sincerely yours,

ROBERT S. MACHOL.

P.S.—I have attempted to keep the above factual, but it inevitably contains some opinions, which are my own. I believe they would have the support of the majority of our members (though clearly not all), but I cannot speak for the membership. My tenure as President of ORSA expires in a few days, and while I would be happy personally to cooperate with you in any way, further official correspondence with ORSA should be addressed to my successor, Mr. Leslie C. Edie of the Port of New York Authority.

OPERATIONS RESEARCH SOCIETY OF AMERICA,
October 1, 1971.

GUIDELINES FOR THE PRACTICE OF OPERATIONS RESEARCH

I enclose a copy of a report prepared by this Society on the ABM Debate before Congress in 1969; it analyzes the quality of the presentations to Congress by various scientists. I am sending it to you because I feel that some of the material in Appendix III may be of public interest. I suggest you may want to read the foreword to find out more about the report.

This report was prepared over the last twenty-one months by a blue ribbon committee chaired by Dr. Thomas E. Caywood. It will be issued this week by the Operations Research Society of America, a professional society of over eight thousand members, founded in 1952 to advance operations research, the science devoted to the study of operating systems. One of the Society's goals is "The establishment and maintenance of professional standards of competence" for operations research.

While the group found faulty professional practices more frequent among scientists opposed to the ABM than among those for it, in its view, neither side was free from fault. The report formulates guidelines for systems analysis aimed at avoiding such faults in public debate.

I shall be out of the country during early September; after September 23 you may reach me at the above address and phone number. Please feel free to call Dr. Caywood at any time.

Sincerely yours,

ROBERT E. MACHOL.

KEY POLICY CONSIDERATIONS AFFECTING SOCIAL SECURITY LEGISLATION

Mr. CHURCH. Mr. President, May has been officially designated as Senior Citizens Month to pay special tribute to our 20 million older Americans now past 65 and the millions more nearing this age.

However, it also takes on an added dimension becase May marks the 6-

month anniversary of the 1971 White House Conference on Aging.

And so, it is appropriate to take stock of what has been done to implement the comprehensive national policy on aging called for at the White House Conference.

On a number of key fronts, important action has been completed for the elderly, including:

Legislation to establish a national hot meals program for persons 60 and older; and

A measure to provide $100 million in funding for the Older Americans Act, the largest appropriation in its history.

In addition, congressional units have areas for aged and aging Americans. The Labor and Public Welfare Subcommittee on Aging, under the able direction of Senator THOMAS EAGLETON, reported out three significant proposals on April 18: the Older American Community Service Employment Act, the Middle-Aged and Older Workers Employment Act, and the Research on Aging Act. And these measures represent a major step forward in implementing key recommendations of the White House Conference.

Equally significant, the Subcommittee on Aging is now considering several proposals to continue, strengthen, or replace the Administration on Aging. This also takes on added meaning because June 30 is the expiration date for the Older Americans Act.

But, no subject is more important for the elderly than social security. It is America's basic insurance system against loss of wages because of retirement, death, or disability. In reality, social security is also family security.

About 91 percent of the elderly now receive or are eligible to receive social security. Approximately 95 percent of the children under 18 and their mothers can count on monthly cash benefits if the family wage earner should die. And, four out of every five men and women aged 21 to 64 are protected in the event their breadwinners should become severely disabled.

However, the adequacy of social security benefits is now under searching scrutiny. The average benefit for the typical retired worker, for example, amounts to $1,596 a year—nearly $300 below the 1970 poverty threshold.

In the very near future the Senate is expected to act on legislation to boost social security benefits. And, the debate on this issue has raised fundamental questions about the size of this increase, underlying actuarial assumptions for the social security system, and other related questions.

Recently, Representative WILBUR MILLS and I introduced companion legislation to provide for a 20 percent across-the-board increase. This measure was based on proposed changes in actuarial assumptions recommended by the prestigious 1971 Social Security Advisory Council.

Because social security issues are very complex, I was quite pleased to see the National Journal publish an excellent description of some of the key policy considerations before us. The article was written by Natalie Davis Springarn, who is a knowledgeable writer in the human resources field.

Mr. President, I recommend the article to Senators, and ask unanimous consent that it be printed in the RECORD.

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

ECONOMIC REPORT/CONGRESS DEBATES APPLICATION OF BILLIONS IN SOCIAL SECURITY FUNDS

(By Natalie Davis Spingarn)

Democrats and Republicans are competing this year for a one-time-only chance to claim credit with the voters for a multi-billion-dollar bonus for the millions of Americans benefiting from or contributing to the social security system.

Banking on the findings of an expert advisory group that the federal retirement and disability trust funds are greatly overfinanced, the Nixon Administration is about to make a technical accounting switch that, in effect, frees immense amounts of money accruing over the next 40 years which the government could devote to reducing social security taxes, increasing benefits, or both.

In this election year, high political stakes are associated with the decision on how to use that money.

One option, espoused by many congressional Democrats, would provide an immediate and large increase in the monthly social security checks of the 27 million beneficiaries of the system. This would be pleasing chiefly to men and women over 62 years of age, who draw most of the benefit checks.

It is an option that tempts the Nixon Administration. The White House has made a number of overtures to the nation's elderly voters, including a fivefold increase (to $100 million) in the budget of the HEW Department's Administration on Aging, which Congress readily accepted. (*See Vol. 4, No. 5 p. 176.*)

But the 20-per cent increase in benefits advocated by House Ways and Means Committee Chairman Wilbur D. Mills, D-Ark., and sponsored by close to one half of the Senate, would add $6 billion to the $25.5-billion budget deficit already projected by the Administration for fiscal 1973.

Another legislative option would reduce the social security tax bite over the long run, thus offering the chance to score with different categories of voters: the younger workers and businessmen whose paychecks and profits are diminished by contributions to the social security system.

A third option would combine the first two: some reduction in tax rates and some benefit hikes. The Senate Finance Committee has acted to focus benefit increases on low-paid workers who are long-time contributors to the system.

Social security reforms this year will be extensive, yet they have received relatively little attention. That is because they are part of one of the most complicated, controversial and long-debated bills to come before Congress in years: HR 1, the measure that would recast the public welfare system in the United States. Until recently, the social security issues have been almost lost in debate on HR 1, taking a back seat to welfare reform, although they may in the end be far more costly.

Need and response: An aged widow whose husband was a social security contributor now gets a monthly check for $114. A retired worker and his wife get $222. In many cases these amounts constitute all or most of the income these citizens receive.

The decennial White House Conference on Aging, held in Washington last December, reported that that such sums were inadequate. It recommended a 25-per cent increase in benefits.

Last year, the House Ways and Means Committee approved, and the House passed, a version of HR 1 containing a 5-per cent across-the-board social security cash-benefit increase.

Since then, Mills has become a candidate for the Democratic Presidential nomination and has changed his mind about the adequacy of the cash benefits in HR 1. On Feb. 23, Mills took the unusual step of introducing a bill (HR 13320) that would raise the cash-benefit increase he had approved last year from 5 per cent to 20 per cent. Mills said that the bigger increase was possible in large part because of the accounting changes and he hoped his new position would influence the Senate to grant a 20-per cent rise.

Mills' proposal was picked up in the Senate by Sen. Frank Church, D-Idaho, chairman of the Senate Special Committee on Aging. Church introduced the measure as an amendment to HR 1 (Senate Amendment No. 999), and it has attracted 45 cosponsors to date, including all the Democratic Senators who are seeking the Presidency, but only seven Republicans, as of April 26.

Because of the change in accounting assumptions, the Mills proopsal could be financed without any increases in the rate of contributions to the trust fund for the next four years. Both employers and employees now contribute 5.2 per cent of earnings up to $9,000, including 4.6 per cent for the cash-benefits program (the Old Age Survivors and Disability Insurance, or OASDI, fund) and 0.6 per cent to finance medicare. Under current law, the OASDI contribution rate would rise to 5 per cent next year and to 5.15 per cent in 1976; the wage base would remain at $9,000.

Mills had proopsed to keep the OASDI contribution rate at 4.6 per cent through 1976 and to increase it to 4.9 per cent in 1977. The wage base would be increased to $10,200 immediately and to $12,000 in 1973. Thereafter, it would be increased automatically to reflect rises in covered wages.

HR 1 as passed by the House also includes a provision, suggested by the Administration, that would cause benefits in the future to rise automatically by 3 per cent, every time the consumer price index rose by 3 per cent.

To date, the Nixon Administration's official position is that the benefit increase should be held to 5 per cent, that the OASDI contribution rate should be reduced to 4.2 per cent, and that the wage base should be raised to $10,200. But Administration spokesmen have indicated that there is room for compromise. And President Nixon would think long and hard about vetoing a big social security benefit increase in an election year—especially one included in a bill containing his prized welfare reform proposal.

The key to action now lies with the Senate Finance Committee, which is in the process of marking up HR 1. Although the committee has voted for "special" minimum benefits ($200 per person per month; $300 per couple) for aged persons who have worked for 30 years in low-paying jobs, it has not yet taken action on issues of across-the-board benefit increases or their financing.

Politics: Historically, he who signs social security legislation raising benefits gets much credit with the voters. A notice is usually enclosed with boosted social security checks telling the recipient he is receiving his extra dollars because of a law signed by the President.

President Eisenhower opposed disability insurance and signed it into law nevertheless, but when letters from grateful disabled men and women and their families began to come to the White House, earlier opposition was quickly forgotten.

Two general benefit increases, totaling 26 per cent, already have been enacted during the Nixon Administration. In each case, the Administration wanted a considerably smaller increase than Congress eventually provided.

Nelson H. Cruikshank, President of the National Council of Senior Citizens, recalls his dismay when he got his last social security benefit boost in 1971. In the envelope was a notice reminding him that President Nixon had signed the law behind the increase.

"They always do that," Cruikshank explained, "but when LBJ was given credit for an increase, you knew he had supported it. That wasn't true of the Nixon Administration. They threatened to veto that '71 increase as inflationary, and it had to be tacked on to other veto-proof legislation as an amendment."

Chairman Russell B. Long, D-La., may have had this in mind when Treasury Secretary John B. Connally and Office of Management and Budget Director George P. Shultz testified before the committee on Feb. 28 and said that the Administration had grave reservations about a 20-per cent rise.

"Well, I hear you . . .," Long said. "I can see enough liberality in your answer that if the President wanted to, he could run for office advocating the same thing that you are asking us to vote down on this committee. I do not like to be left out there like Freddie Flying Squirrel who heads from one tree to another and finds that that is a mirage, it is not a tree at all and then has to turn around in mid-air and head back in the direction he came from.

"If not only my party but the Republican Party as well is going to leave me between now and November, I would like to know about it . . ."

Connally answered: "I would like to suggest that we put this more in perspective. The President has not recommended any increase of 20 percent in social security payments. The Democratic chairman of the Ways and Means Committee did. It may be that you are talking about the wrong flying squirrel."

MATURED SYSTEM

No matter who claims the credit, or what his political label may be, there are going to be changes in the social security system in the United States—changes which will affect the whole approach to the adequacy of benefits for older people, and which may prove a harbinger of more fundamental change. This is true, essentially, because the American social security system has grown up.

Originally limited to old-age benefits for workers in commerce and industry, it has now expanded to provide disability, survivorship and health insurance as well as retirement protection in old age for practically all Americans. It touches the lives of almost every family, and its cash-benefits program is the basic insurance plan in the United States.

Present coverage: Voted into law in 1935, the social security system received its first contributions in 1937 and paid its first monthly benefits in 1940. At the beginning of 1972, its benefits program:

Provided monthly checks to 27,290,000 beneficiaries at a cost of $3.06 billion;

Covered nine out of 10 jobs, with 96 million people contributing to the trust funds during the year;

Could pay benefits to about 91 percent of the elderly when they or their spouses stop working;

Would pay benefits to 93 percent of the people reaching age 65 in 1972;

Could pay benefits to 95 out of 100 children under 18, as well as their mothers, should their family breadwinners die;

Could pay benefits to four out of every five men and women 21–64 years old in the event their breadwinners should suffer a severe and prolonged disability:

Provided survivorship protection worth almost $1,290 billion in life insurance, roughly the same as all private life insurance in the country combined.

The financing instrument for this protection consists of two trust funds: The OASI (Old Age and Survivors Insurance) and DI (Disability Insurance) trust funds. Their combined income for the 12 months ending December 31, 1971 (the trust funds usually are viewed as a single fund called OASDI), was $40.9 billion; outgo was $38.5 billion. The fund's assets at the end of the period totaled $40.4 billion, an amount equaling the surplus of income over outgo from the beginning of the program.

Under the "unified" budget in effect since the late 1960s, net income to the fund is included in the over-all budget of the United States. But the trust fund monies cannot be used for any purposes other than those provided in social security law.

Congress has broadened social security protection and increased cash benefits substantially since the program began, but problems and inequities still exist.

Financial need: Some of the kinks and coverage inequities remaining in the social security program will be ironed out by proposals already in HR 1 and almost certain to be included in the final legislation.

Widows' benefits, for example, would be raised from the present 82.5 per cent of the amount the dead husband would have received to 100 percent.

What is often called the "disincentive" for retired people to work would be reduced: the amount of additional income a social security beneficiary can earn without penalty would rise—from $1,680 to $2,000. Any income above $2,000 (instead of between $1,680 and $2,880) would reduce benefits by $1 for each $2 earned.

But the chief complaints heard from people living on social security, and from lobbies representing them, center on the difficulty an older or disabled person has making ends meet on less than $150 a month.

The automatic cost-of-living escalator already included in HR 1 would improve their situation somewhat; it would make present benefits inflation-proof, but would not in itself increase purchasing power. The White House Conference on Aging in 1971 held that an aged retired couple needed $4,500 to live—social security provided them with an average of $2,664.

As Nelson Cruikshank told the Finance Committee on Jan. 21: "We all know some elderly men and women who are perhaps financially well-off but rarely do we see the hardship and suffering of the millions of the elderly who are the poorest of the U.S. poor. The elderly do not parade their poverty. As a matter of pride, they do their best to hide it."

Cruikshank reminded the committee that "nearly five million men and women aged 65 or over are impoverished and millions more—two million more at the very least—are very close to the poverty level. . . . Men and women age 65 or over represent about 25 per cent of the U.S. poor although they are no more than 10 per cent of the population."

The Senate Committee on Aging recently said that official poverty statistics for people 65 and over do not fully reflect the retirement income crisis. It said, for example, that there are 1.6 million aged "hidden poor"—not counted because they live with their children who have enough income to raise them above the poverty line.

OVERFINANCED FUND

It was against this background that the 1971 Advisory Council on Social Security began its deliberations on changes in the system.

Appointed by then-HEW Secretary Robert H. Finch in May 1969, the 13-member council was chaired by former (1958–61) Republican HEW Secretary Arthur S. Flemming, who also was chairman of the 1971 White House Conference on Aging.

Advisory councils on social security have a long tradition of influence: many of the changes wrought in the social insurance system since 1935 have followed their recommendations. Until 1965, the councils were appointed on an ad hoc basis, but now their appointment is required by law every four years; the next is to be chosen in 1973.

Flemming's group held 17 meetings to consider the whole range of social security cash-benefits and medicare programs.

The group's report, released in April 1971, acknowledged "widespread public concern about the imperfections in our assistance programs," but supported unanimously the principles upon which social security is based:

Social insurance is preferable to public assistance as a method of income maintenance.

Public assistance is designed to backstop social insurance programs and private efforts to maintain income when earnings stop.

Social insurance cannot and should not be expected to do the whole job of income maintenance.

But the council found room for considerable improvements in the cash-benefits program.

It made 22 recommendations, including a cost-of-living escalator for benefits, equal treatment for men and women, and liberalization of limits on extra money that beneficiaries may earn without loss of benefits. Many of these recommendations already are a part of HR 1.

Actuarial surplus: The council proceeded to finding financing for improvements in the systems in a way, Chairman Mills was later to say, that "does not impose an undue tax burden on covered workers and . . . that assures that social security will continue to be financed on a conservative and actuarially sound basis."

Its solution centered around the finding that the social security trust funds are greatly overfinanced until around the year 2011.

Under contribution schedules and benefit levels in present law, reserve money in the funds would rise astronomically—to nearly a trillion dollars by the end of the year 2025. The council estimated that these reserves would soar from $41 billion at the end of 1972 to $112 billion in 1980 to $172 billion in 1990 to $214 billion in 2000.

The council found such large accumulations both "unnecessary and undesirable." Unlike private insurance plans, it said, payment security in the social security program depends not on large reserves of cash but rather on the government's commitment to use its taxing power to raise the necessary funds.

What's more, the council found it "undesirable" for the government to rely to a significant extent on borrowing from unnecessarily large trust funds to finance its general expenses. Trust funds grow out of forced savings, it said; general expenses should be met directly through taxation or borrowing from voluntary sources.

Current-cost financing—Thus the council recommended that social security financing be put on a current-cost basis, with the trust funds maintained at a level approximately equal to one year's expenditures.

In reality, the council noted, this would constitute formal adoption of a system that has existed in fact for some time. Congress never has allowed the trust fund reserves to grow to huge levels, preferring instead to grant benefit increases or tax reductions or both.

The change has the wholehearted support of Robert M. Ball, the commissioner of the Social Security Administration. "Let's write the law in conformity with the facts," Ball says. "It's the right way to do it and it's what Congress does anyway."

The practical effect of this change alone would be to allow postponement until well into the next century of increases in social security contribution rates. The present rate of 4.6 per cent would be more than enough to support present benefit levels, adjusted to price changes, for four decades.

Dynamic assumption—The second major accounting change recommended by the council would contribute to an even greater paper surplus in the trust funds, and thus would allow benefit increases to be granted at the same time that contribution rates were kept at their current level or decreased.

What the council recommended was that the actuarial cost estimates for the cash benefits program be based—as the estimates for medicare are now—on the assumptions that earnings levels will rise over the coming years and that benefit payments will be increased as prices rise.

Up to now, the actuaries have assumed that both earnings and benefits would remain level, or "static," when they computed the long-range cost of the cash benefits.

"Everyone knew this was sheer nonsense," explained one HEW official who has dealt with the program over the years. "Wages do go up—they always have."

The council more charitably labeled the old, "static" assumption a "convenient device for cost-estimating purposes" rather than a "prediction of actual experience"—a device which made realistic consideration of long-range wage and price movements unnecessary and left a considerable margin of safety in financing the program.

It advocated a new "dynamic" accounting method, based on these assumptions:

Earnings levels will rise, reflecting increases in the nation's industrial productivity and capacity to create wealth.

As earnings levels rise, they will bring additional income into the social security program.

The new income coming into the program will be substantially greater than the benefit liability generated by higher income.

The last assumption is correct, at least under the current system, in part because benefits are weighted in favor of low-income workers. A worker who has had yearly income approximating the contribution ceiling, in other words, will get more in benefits than a worker with half that income—but less than as a percentage of his income. As earnings rise, more workers will be contributing up to the ceiling and therefore surpluses will be generated.

The new "dynamic" accounting system assumes that benefits will increase at the same rate as the cost of living. (Congress, in fact, has met or bettered that rate of increase in recent years, and H.R. 1 would make the cost-of-living adjustment automatic.)

It further assumes that wages will continue to rise about twice as fast as prices, as they have in the past. These two assumptions lead to the conclusion that rising wages will produce more income than is needed to meet cost-of-living benefit increases—again leading to surpluses.

Trowbridge: Charles L. Trowbridge, the Social Security Administration's chief actuary, explained in an interview that "as long as the system was immature, as long as a lot of benefits were not given, having the extra money in hand was really good."

For this reason, Trowbridge continued, the level, or static earnings assumption, was "all right for the past. Back in history, it was considered the last thing in the world that the social security system might assume future wages or benefit increases.

"But once you get to the point where the system really does cover almost everyone, where most major groups are included, the extra financing is no longer needed. For this reason and a couple of others, it is time to modify the level earnings assumption."

Trowbridge, who is a vice president of the National Society of Actuaries, considers the adoption of the automatic principle tying benefits to prices a key reason for such a modification. "Up until a year or so ago," he pointed out, "we did not even have the concept of keeping benefits up with prices. Now the law (H.R. 1) will specifically say benefits will go up in proportion to prices.

"The principle of the automatic increase has passed both houses, giving us a clearer track as to what Congress intends, giving us a clue to the dynamic assumption, and leading to a different methodology."

OPINIONS AND PHILOSOPHY

A switch to the dynamic assumption, combined with current-cost financing would, as Trowbridge put it, produce a "one-shot" chance for policy makers to "spend" the money provided by what amounts to an actuarial windfall.

But once the money was used—by liberalizing benefits, reducing scheduled taxes or both—Congress would have had less opportunity to tinker with the social insurance system.

With the OASDI trust fund held to a contingency reserve, the system would not be likely to generate significant actuarial losses or gains on its own. Thus, Congress would end its practice of increasing benefits every few years without enacting commensurate tax increases; each time it wanted to liberalize benefits above the cost-of-living increases, it would have to "cough up more money," as Trowbridge said.

Views of system: The availability of the paper surplus, and the fact that Congress is acting anyway this year to increase social security benefits, have combined to start a debate that gets at the very philosophy underlying the social insurance program.

The traditional view of the social security system holds that it provides a basic floor of income protection for retired workers, that benefits should be seen as a base which other sources can supplement—private pensions, savings, home ownership and the like. This view militates against large increases in benefits above cost-of-living boosts, and for holding payroll taxes down. It is generally held by business interests and is reflected to an extent in the Nixon Administration's proposals. Short-term considerations, chiefly budgetary in nature, also play a part in the Administration's opposition to large benefit increases.

At the other end of the spectrum, spokesmen for the elderly, including Cruikshank and a sizable contingent of Democrats in Congress, say that in fact most retired people have no other source of income and therefore benefits should be increased to the point where they can maintain a decent standard of living. Cruikshank argues that social security should be viewed more as an income-maintenance program and that trust fund revenues should be supplemented by funds from the government's general revenues. That view, if adopted, might tend to blur the distinction between the social security program and the welfare program, which is entirely financed from general revenues.

Another basic philosophical question that Congress is addressing this year concerns the degree to which social security benefits should be wage-related—that is, the extent to which those who contribute more to the system than others should get greater benefits. The Senate Finance Committee's moves to grant special benefits to long-term, low-income workers would increase the income-redistribution features already present in the social security program.

Myers: Robert J. Myers, chief actuary of the social security system from 1947 to 1970, has emerged as the prime theoretician of the traditional view of the program.

A Republican, Myers made a vain attempt to persuade the new Nixon Administration in 1969 that Commissioner Ball, who was appointed during the Kennedy Administration, had "strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area." That judgment was expressed in a letter of resignation to Robert Finch, then HEW Secretary.

In recent speeches, articles and testimony, Myers has criticized the "expansionist" view, which, he claims, "would necessarily lead to the virtual elimination of private-sector activities in the economic security field."

"They might as well have kept Cohen as Secretary," says Myers of HEW's current approach to social security issues. While former HEW Secretary (1968–69) Wilbur J. Cohen and Myers are old friends, Cohen is an "expansionist," Myers said. Myers considers himself a "conservative moderate."

Myers, who is president this year of the Society of Actuaries, sees the advisory council's key "dynamic earnings" assumption as evidence of the expansionist point of view, and warns that it may be imprudent to calculate the cost of future cash benefits on the basis of ever-rising U.S. productivity.

Very small errors in estimating the spread between price increases and wage gains, he said, could cause "terrific differences" in cost calculations.

Chamber of Commerce: Myers' views of the advisory council recommendations square with those of the Chamber of Commerce of the U.S., for which he has done an analysis of the Mills social security proposal.

In testimony before the Senate Finance Committee, and in its newsletters, the chamber charges that the social security provisions of the House-passed H.R. 1 are an extraordinarily expensive package which proposes an "oppressive tax burden on workers and employers."

The chamber's *Washington Report on Labor* for February–March claims that HR 1 would impose a cumulative OASDI tax increase amounting to $57 billion by 1978. "And as if that were not bad enough," it continued, Mills "has suddenly called on the Finance Committee to boost benefits by 20 per cent across-the-board, and has introduced legislation in the House (HR 13320) that would do just that."

William P. McHenry Jr., economic security manager for the chamber and its spokesman on social security issues, echoes Myers' warnings about the risks inherent in the council's dynamic-earnings assumptions. "Serious questions," he says, are raised by the assumption of those advocating the accounting switch that wages will increase at an annual rate of 5 per cent and that prices will increase by 2.75 per cent a year. "What if there's a difference?" he asks. "What if the two were only slightly closer—say a 3-per cent annual increase in prices and a 4-per cent increase in wages? Then we'd end up behind the eight ball. Where would the tax money come from?"

(Trowbridge argues that no economists have suggested that such a marked decline in the rate of productivity increases might occur, but says that he will include a three-eighths-of-one-per cent "margin of conservatism" in calculating the margin between wage and price increases. With that margin, he said, the spread between the two could narrow from 2.75 per cent to one and seven-eighths per cent and "we'd still be all right."

The chamber's position, as expressed by McHenry last October in testimony before the Senate Finance Committee, is that the tax base should be kept at $9,000 for 1972–73, that contribution rate increases should be stretched out over a long period of time so as to keep taxes low for as long as possible, that the 5-per cent increase in HR 1 should be rejected because "the benefit level is currently well ahead of the rise in living costs," and that the automatic escalators for benefits and the wage base should be rejected.

McHenry told the committee that the automatic escalators in HR 1 would create "very serious problems for employers trying to integrate their pension plan benefits with the social security program," saying that there

would be a great deal of duplication in benefits, leading to over-all higher costs.

A very harsh view of Mills' proposal was expressed in a Feb. 28 editorial in the *New York Journal of Commerce*, Mills, the business news newspaper said, was "merely advocating that more use be made of social security as a device to speed American society down that primrose path to a welfare state."

Doubting the truth in assertions that the retirement system is overfinanced, the newspaper described as "well-justified" Republican candidate Alf Landon's view during the 1936 Presidential campaign that the social security system would prove merely a device for redistributing income.

Cruikshank: Nelson Cruikshank, putting higher priority on the worker's retirement benefits than on the businessman's current tax, claims the "basic floor of protection" theory to be illusory.

Citing a study of private pensions conducted by the Senate Committee on Aging showing only a minority of workers—and these among the most favored in other respects in fact receive pensions, he holds that pension plans are "too often characterized by high eligibility requirements, are payable only to those with extremely long terms of service in one industry or for one employer and in most cases make no provision for survivors." (*For a report on proposed regulation of private pension plans, see Vol. 3, No. 21, p. 1096.*)

He adds that the burdens of family finance during workers' early years usually preclude substantial savings and that home ownership has often proved a bitter disappointment" in planning for retirement; many homes are in decaying urban centers where property values are declining and property taxes are rising.

Cohen: Like Cruikshank, former HEW Secretary Wilbur Cohen favors an immediate and substantial increase in benefits. Now dean of the University of Michigan's School of Education, Cohen often comes to Washington to consult or testify, and he appeared before the Senate Finance Committee Feb. 3 to comment on H.R. 1.

In an interview, Cohen said that "it is imperative that we increase social security benefits to presently living persons rather than make increased benefits effective only in the distant future."

By changing the assumptions on which the long-range actuarial costs are computed, he said, benefit increases can be granted now without impairing the integrity of the system over the long run.

Thus, Cohen feels Mills' 20-per cent across-the-board increase is "a masterful statesmanlike balancing of present and future considerations."

He points out that "even if Congress doesn't adopt the proposal immediately, sooner or later a change in the actuarial assumptions will permit substantial increases in benefits by some future Democratic Administration."

Special minimum: The Senate Finance Committee's action to grant special benefits to long-term but poor contributors to the social security system raises basic philosophical questions about the wage-related principle of the program.

Yet Chairman Long has reported that votes for the minimums were unanimous. The offices of two influential Republican Senators—the committee's ranking minority member, Wallace F. Bennett of Utah, and Assistant Minority Leader Robert P. Griffin of Michigan, confirm that they voted for the minimums.

J. Douglas Brown, the Princeton professor emeritus who was chairman of the Social Security Advisory Council of 1938 and a member of all succeeding advisory councils, has spoken out sharply against the Senate panel's approval of special minimums for people who have contributed long but little to the social security system.

In a letter to *The New York Times* on March 31, Professor Brown wrote that the committee action on the social security program "is the most serious threat to the soundness of that program since its enactment. . . . The Senate Finance Committee after 37 years of solid progress wants to introduce a long-discarded fallacy that contributory social insurance and public assistance can be mixed."

Brown argued that the Senate panel appeared "to be willing to pour out the baby with the bath in finding an easy way to buttress a weak program of public assistance by eliminating the long-earned rights of millions to equitable differentials in benefits."

But Sen. Abraham A. Ribicoff, D-Conn., a Finance Committee member who is one of the chief sponsors of the special minimums approach, argues that it would "pour real meaning" into the social insurance concept by assuring that "a guy who worked a long number of years, not a guy who loafed, is not going to have to live in poverty when he retires.

Wilbur Cohen adds that the Finance Committee approach is not really a wholly new departure since the American social security system always has been weighted on behalf of the lower-income worker.

"Why should a janitor who has worked hard for 30 years have to go on welfare?" Cohen asked. "Assuring the hard worker a minimum retirement income is the very opposite of welfare."

General revenues: The Finance Committee's approach could ultimately mean a move toward financing social security in part through general revenues.

This would dilute the contributory, wage-related nature of the system, and the concept of general-revenue financing has not yet been seriously considered by the government, although support is slowly growing.

The 1971 advisory council said it was not necessary or desirable to finance benefits with general government revenues, although a four-member minority took "strong exception" to this view and filed a statement recommending that general revenues contribute one-fifth of the benefits immediately, rising gradually to one-third.

Cruikshank is among those who advocate that social security costs be evenly divided between employees, employers, and general revenues. "Full-rate benefits were paid all covered workers in the early days of the social security program as if they had contributed to it all their working years," Cruikshank says. "Today's workers are still paying this cost which amounts to an estimated one-third of the cost of the social security program."

Andrew J. Biemiller, the AFL–CIO legislative director, on Jan. 31 told the Finance Committee: "The social security system should continue to be financed primarily by contributions of employers and employees. But the time has come to begin a systematic introduction of some general-revenue financing in order to establish a fully adequate social security system. Without general revenues, the contribution rate required for needed major reforms would place an unfair burden on the low-wage worker, since considered solely as a tax, this contribution is regressive." (The AFL–CIO now is strongly supporting the Mills-Church proposal.)

Cohen points to the tradition of using some general revenues for social security purposes in many foreign nations. But he says that general-revenue financing in the "American environment" should not contribute more than one-third of social security costs. "If Congress goes to complete financing through general revenues," Cohen explains, "it may inevitably have to go to a means test, and the American public doesn't want a universal, means test for old age."

(In the public welfare program, completely financed by general revenues, the government must determine the true extent of need through such a "means test"—by interrogating applicants for public assistance.)

Six Senators have introduced bills that would provide one degree or another of general-revenue financing for social security: Church, Vance Hartke, D.-Ind., Mark O. Hatfield, R.-Ore., Hubert H. Humphrey, D.-Minn., Thomas J. McIntyre, D.-N.H., and William B. Saxbe, R.-Ohio. Seven such bills have been introduced in the House, and one has 20 co-sponsors.

Muskie: An even more extensive reform has been proposed by Sen. Edward S. Muskie, D.-Maine, like Humphrey a candidate for the Democratic Presidential nomination.

In a bill (S. 2656) introduced last October and co-sponsored by Sen. Walter F. Mondale, D.-Minn., Muskie proposed that the ceiling on contributions be removed and that the social security system be financed essentially according to the principles of the graduated income tax, although limited to earned income.

The bill has not advanced in the Senate and Muskie has signed up as a co-sponsor of the Church 20-per cent increase proposal.

STEPS TOWARD CHANGE

The advisory council's recommendations were presented to HEW Secretary Elliot L. Richardson in March of last year, and were transmitted to Congress on April 1.

That was too late for the recommendations to be seriously considered by the House Ways and Means Committee, which reported HR 1 on May 26, 1971. The House passed its version of the welfare-social security bill on June 22.

At hearings of the Senate Finance Committee, held intermittently from July 1971 to January 1972, welfare reform held center stage. Although a few witnesses, including Myers and Biemiller, testified to the advisory council recommendations, they excited little attention.

Mills strategy: It was not until Feb. 23 that serious political attention was given to the fact that the advisory council's recommendations held the key to the actuarial look on a brand new pot of gold.

On that date—13 days before the New Hampshire primary and 21 days before large numbers of elderly citizens were to vote in Florida's primary—Mills introduced his bill (HR 13320) calling for a 20-per cent across-the-board increase in benefits.

Mills emphasized at the time that the increase could be made "without jeopardizing the fund or without requiring one cent of money to be transferred from the general fund into the social security fund."

He said that social security benefits "are the major reliance of the great majority of retired workers and the sole reliance for about half of them," noting that only 21 per cent of couples receiving the benefits also received income from private pensions and that this is true of 8 per cent of unmarried beneficiaries.

On the House floor, Mills said he would like the Senate to consider his bill "as an amendment in lieu of the 5 per cent (already in HR 1), and let us face it in conference with them, which is the quickest way to enact it."

The 20-per cent increase, Mills told the House, would send the minimum benefit from $70.40 a month to $84.50. The increase, combined with other provisions of HR 1, would boost average benefits for retired workers from $133 a month to $162, for aged couples from $222 to $269, and for aged widows, from $114 to $153.

Administration position: Ball and Richardson argued successfully within Administration councils for adoption of the new accounting principles advocated by the advisory council.

In a draft Secretarial memorandum early in the year, Social Security Administration officials argued for a roll-back in the social security contribution rate, but also pointed out that substantial across-the-board benefit increases—as much as 20 percent—could be made under the new accounting methods by keeping currently schedule rates.

There was some doubt after Mills introduced his bill as to how the Administration would react. Long told OMB director Shultz on Feb. 28 that he would like an answer as to whether the President might veto a 20-per cent increase, saying that "otherwise, I would think that those of us who are not planning to get reelected this year in any event but are just trying to think of what's good for the public would like to vote for it." Shultz did not provide a direct reply, but said that "some very great problems are posed by a movement to a 20-per cent increase and they concern the bugdet as a whole."

But on March 21, testifying before a House subcommittee, Richardson said that the Administration would stick by its original position—that the social security benefit increase should be held to 5 per cent.

Two days later, appearing before the Senate Labor and Public Welfare Subcommittee on Aging, Richardson said that "a Republican President could expect in many situations like this to be outbid no matter what he might propose, and, of course, this has happened again and again, and naturally we have to take that into account in the manner in which we deal with the evolving processes between a given proposal originating on the congressional side and the eventual result of the legislative processes."

Subcommittee Chairman Thomas F. Eagleton, D-Mo., noted that Congress twice had voted social security increases during the Nixon Administration—providing about double the benefit boosts that the Administration officially had endorsed.

He told Richardson: "It seems in your statement you are basking in the glory of a 26-per cent increase in social security, but over the dead body of the Administration, or is that putting it too strongly?"

Richardson replied: "I would suggest, Mr. Chairman, that that is putting it too strong. I referred to a comprehensive strategy. I am raising the 26-per cent increase—I think it is commonplace that the interaction of the executive and the legislative branches of government often produces a desirable resultant of the competing forces."

Richardson then went to the White House to brief the press on the President's "Message on Older Americans," sent to Congress the same day.

He explained that Mr. Nixon was urging Congress to roll back the OASDI contribution rate to 4.2 per cent, but that benefit increases in HR I would total $5.5 billion a year when fully effective, including $3 billion in general social security benefits and $2.5 billion in new benefits for the needy elderly.

Richardson held the cash-benefits door slightly ajar: This might not be the "last word" on income benefits under social security; Administration officials were continuing "to work with the Congress to examine all competing claims to the OASDI trust fund."

Asked if the Administration had accepted the advisory council's accounting recommendations, he replied, "Yes, we have informed the Congress that we have accepted and recommend this advice."

But he added that there had been a great deal of misunderstanding about the potential results of the new accounting methodology. In the long run, he said, benefits in the Mills proposal would demand both a higher contribution rate and higher wage base than those included in H.R. 1.

Senate Finance action: The Senate Finance Committee would certainly consider Mills' proposal, Chairman Long said on Feb. 23.

But, Long added firmly, "the committee also would consider other alternatives." Long said he was exploring, with Sen. Ribicoff, new ways in which a 20-percent expenditure increase could be "shaped into a measure to assure that those who have worked and paid social security taxes for an entire lifetime would be substantially better off than they would be as welfare clients."

On March 27, Long announced that the Finance Committee had unanimously voted a new approach to a social security cash-benefits boost—one that would assure, not only an across-the-board increase, but also an "adequate" retirement income for older people who had worked for many years in low-paying jobs.

Under the panel's special minimum proposal, an individual would receive a minimum of $10 a year for each year worked in covered employment—not counting the first 10 years. Someone with 20 years in covered employment would get $100, with 25 years $150, and with 30 years, $200 a month (the spouse's benefits would add another 50 percent thus bringing payments to married couples to $300 a month.) The first-year cost would be $400 million above the House-passed version of H.R. 1, with its 5-percent increase. If the Finance Committee raised the general benefits increase to 10 percent, the cost of the special minimum would drop to $300 million.

On April 5, the Finance Committee further emphasized increasing old-age assistance for the very poor—those receiving welfare payments.

Its decision was to increase federally financed welfare payments under a complicated formula that would guarantee the two-thirds of aged welfare clients who get small social security checks a minimum annual income of $2,160 a year ($180 a month) for a single person and $2,940 for a couple ($245 a month), at a cost of about $5.7 billion in the first year.

The committee's plan would allow elderly, blind and disabled welfare recipients to keep $50 a month in outside income including social security benefits, $50 a month of earned income and half of any earned income over $50.

Thus, these welfare recipients would lose $1 for every $2 earned above the specified minimum.

The panel's proposals would move an estimated four million blind, disabled and elderly people above the poverty line.

The House-passed version of HR 1 provides a minimum guarantee of $130 a month in welfare benefits for a single person with no other income and $195 a month for a couple. It would require that any social security benefits be subtracted from these amounts.

The Senate Finance Committee also is considering other expensive changes in the social security law—prescription-drug coverage under medicare, for example. And with the over-all cost of the legislation in mind, Long said on April 6 that his committee would endorse an across-the-board increase in social security benefits of not less than 10 per cent but not more than 15 per cent.

OUTLOOK

There is little doubt that Congress will approve substantial modifications in the social security program this year.

But there remains much doubt as to whom the main beneficiaries of the changes will be—the present generation of contributors or the present generation of benefit recipients.

In an interview, Mills noted that the House-Senate conference committee on HR 1 would not be able to vote a general increase exceeding that passed by either chamber. Thus, if the Senate's figure was 15 per cent, that would constitute the practical limit on the across-the-board figure that could be approved by the conferees.

But Mills says he is "still optimistic" that the 20-per cent general increase he favors will emerge as the Senate's position. The Church amendment, which will be put to a vote on the Senate floor, is only 6 votes short of a majority in the Senate, on the basis of co-sponsors signed up to date. The amendment is likely to draw additional support from Democrats and Republicans.

The Nixon Administration continues to hold to its recommendation that payroll taxes be reduced and that the benefit increase be held to 5 per cent. On April 19, John D. Ehrlichman, assistant to the President for domestic affairs, told reporters that the White House supports the House-passed version of HR 1 and is concerned about the "prohibitive cost" of the version moving through the Finance Committee.

In an interview, Ehrlichman said that "we can't take 20 per cent. If written right, we could take as much as 10 per cent. But we've got a budget crunch."

Ehrlichman said there already had been "unprecedented" increases in social security benefits during the Nixon Administration: "We think 20 per cent is a political ploy and cannot be considered seriously," he said.

But the Mills' advocacy of a 20-percent increase, and the fact that 45 Senators have co-sponsored Church's amendment, constitute strong evidence that congressional Democrats, at least, are serious about the proposal.

Thus the debate in its simplest terms pits those who want big increases in benefits and relatively high tax rates against those who prefer smaller benefit increases and lower levels of taxation.

There has been little organized pressure on the government to roll back social security contribution rates scheduled for the future. The rates now total 10.4 per cent of the wage base— counting OASDI and medicare contributions by both employer and employee.

But concern about the size of payroll taxes reflected in the Administration's position also was voiced in 1970 by all 10 Republican members of the Ways and Means Committee. In views filed with the committee's report on that year's legislation increasing social security benefits and tax contributions, the 10 Republicans expressed concern about "the growing burden of payroll taxes on our working population." They warned that "the income that a worker can currently devote to future contingencies is limited by his ability to meet the immediate needs of his family. If the cost of social security cuts too deeply into daily living requirements, people will begin to make unfavorable comparisons between current costs and distant benefits. If the time ever comes that current workers are unwilling to bear the cost of providing benefits to current retirees, the social security system will be in real danger and those who will stand to lose most will be the current beneficiaries."

The advisory council's accounting recommendations make it possible for Members of Congress to support relatively big benefit increases that could be financed under contribution rates no larger than those which passed the House in HR 1—with the support of the Administration and of nearly two-thirds of voting House Repblicans.

And the trend of Senate Finance Committee action—which has focused more on the question of adequate benefits for social security recipients than on the level of taxation—along with the groundswell of support for the Mills-Church proposal, make it likely that the White House will receive from Congress a social security package considerably more expensive than it desires.

MONTHLY BENEFITS

The Social Security Administration says that as of the end of 1971 the following amounts were being paid out monthly to various categories of beneficiaries:

Retired worker alone, with no dependents receiving benefits: $128.

Retired worker and wife aged 62 and over, both receiving benefits: $222.

Widowed mother and two children: $325.

Aged widow alone: $114.

Disabled worker, wife (under 65) and one or more children: $294.

The average monthly amount paid to individuals for old-age benefits was $132 and for disability benefits, $147.

TAX RATE PROPOSALS

The table below shows the tax rate that would be required under various versions of the social security bill (HR 1) now before Congress.

The tax rate is applied against a ceiling of wages, currently $9,000 under existing law. Under HR 1 as passed by the House, the wage base would rise to $10,200 this year and would be adjusted automatically thereafter to account for rises in earnings of social security contributors.

Under a proposal introduced by Rep. Wilbur D. Mills, D-Ark., the wage base would rise to $10,200 in 1972, and to $12,000 in 1973; thereafter automatic adjustments would be made.

The tax rate figures in the last two columns are based on recommendations made by the 1971 Advisory Council on Social Security that actuarial changes be made which, in effect, create a paper bonus in the social insurance trust funds.

The Administration supports the 5-per cent across-the-board benefit increase in HR 1 as passed by the House. But it also has said that it has accepted the actuarial changes suggested by the advisory council and that it supports rolling back taxes; the third column shows the tax rate that would be required under the accounting change to support the benefits in HR 1.

Mills would like to increase benefits by 20 per cent across the board, and this plan would require a higher level of tax contributions law.

Year	Present law	H.R. 1	H.R. 1 (new method)	Mills proposa
1972	4.60	4.2	4.2	4.6
1973-74	5.00	4.2	4.2	4.6
1975	5.00	5.0	4.2	4.6
1976	5.15	5.0	4.2	4.6
1977 to 2010	5.15	6.1	4.5	4.9
2011 and after	5.15	6.1	5.75	6.1

The Social Security Administration says that under present law the average contribution in 1973 to the social security funds would be $298.09. Under HR 1 as passed by the House contributions would average $298.73, and under Mills' proposal $313.85.

Average retirement benefits in 1972, the agency said, would be $1,596 per year under present law and would be $1,692 under HR 1 and $1,932 under the Mills plan.

THE CREDIT PROBLEM

Claiming credit with the voters for social security benefit increases can be a difficult job for Members of Congress, as Rep. Wilbur D. Mills, D-Ark., can testify.

Mills, chairman since 1958 of the House Ways and Means Committee which writes social security legislation, tells a story about an encounter with a constituent 16 years ago, shortly after Congress had extended social security benefits to disabled workers.

President Eisenhower, Mills recollected, had strongly opposed the disability legislation that was working its way through Congress in 1956. "There was a feeling downtown that he would veto it," Mills said. "One of his Cabinet Secretaries came to me and Bob Kerr (Robert S. Kerr, Democratic Senator from Oklahoma from 1949 to 1963 and then ranking Democrat on the Senate Finance Committee) and we told him we would pass it at the end of the session and he could veto it." But Mr. Eisenhower eventually signed the disability-benefits program into law, "on the basis of our persuasion," said Mills.

The first disability benefit checks were mailed out in 1957.

Shortly thereafter, Mills was approached by a disabled man as he was walking down the street in his home town of Kensett, Ark. As Mills tells the story, "this fellow said, 'Mr. Congressman, I want you to thank the President for my disability insurance.'

"I straightened him out pretty quick," Mills recalled.

Today, the Nixon Administration is resisting a proposal by Mills to grant an across-the-board increase of 20 per cent in social security benefits.

But ironically, should this measure be enacted Mills most likely would find the same difficulties in informing the voters of his own role and that of other Democrats in Congress in writing the increase into law. For it is the custom to enclose notices with each increase in benefits saying that they are provided under legislation signed by the incumbent President.

BUNDESTAG PASSES TWO TREATIES

Mr. CHURCH. Mr. President, it is with gratitude that we learn that the German Bundestag today voted favorably on ratification of friendship treaties with the Soviet Union and Poland. The vote on the Moscow Treaty was 248 for, 10 against, and 238 abstensions; on the Warsaw Treaty the tally was 248 for, 17 against, and 231 abstensions.

I sincerely hope that the German upper chamber will soon concur with the decision just taken by the lower house, and that the treaties will come into force, not only benefiting Berlin, but also helping to relieve tension throughout the whole of Europe.

I ask unanimous consent that an article on the subject, written by former Ambassador Averell Harriman; the Bundestag joint resolution, which was adopted by a vote of 491 for, none against, five abstensions; and the treaties concerned be printed in the RECORD.

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

[From the New York Times, May 2, 1971]

GIVING BRANDT A CHANCE

(By W. Averell Harriman)

WASHINGTON.—In one of the most fateful and uncertain votes of recent years, an almost evenly divided West German Bundestag will shortly be asked to ratify the treaties Chancellor Brandt has negotiated with Moscow and Warsaw.

Relations with these countries have been so improved that the West German Chancellor has been warmly received in both former enemy capitals. His initiatives have been widely welcomed and he has been awarded the Nobel Peace Prize. Agreement has been reached among the four occupying powers and the German authorities which could finally settle the problem of Berlin. But all hinges on the forthcoming vote. If the treaties are defeated, a chain of unfortunate events will be unleashed that could check and perhaps reverse the trend toward settlement of East-West differences.

A provision of prime importance in the treaties is the acceptance by West Germany of the Oder-Neisse line as the permanent western border of Poland. The Potsdam Conference of July 1945, permitted Poland to assume administrative responsibilities for former German territories up to that line but left the final determination to the peace settlement, which 27 years later has still not taken place.

This lack of legal settlement has kept alive an unrealistic hope among expellees from the lost territory and other Germans that the de facto boundary might be changed. This has led to fear of German revanchism in Eastern Europe, and undermines stability.

The United States, as well as the European countries, East and West, have a profound interest in the final acceptance of the existing border. Everyone will benefit from a relaxation of tensions and fears.

With ratification of the treaties, the people of Poland and other Eastern European countries will feel more secure and be less apprehensive about Germany. When Poles feel threatened by Germany, they turn to Moscow for protection. As they feel more secure, their natural and historic desire to look toward the West will be encouraged.

Moscow has indicated that it will not make any additional concessions to secure ratification. A cold period of Bonn-East European relations or even East-West relations is likely to ensue if the treaties fail in the Bundestag. Without ratification Moscow also has stated it will not implement the agreements on West Berlin. It would be tragic if anything should happen to set aside this most constructive and painstakingly negotiated agreement that would go far toward stabilizing Berlin which has been the most explosive point in Europe.

With the repudiation of the treaties, the possibility of further progress would be lost. There would be no European security conference. Negotiations for a mutual balanced reduction of forces in Europe, the best way to bring United States troops home, would be stalled. The failure of West Germany to relieve tensions by ratifying the treaty its Government had negotiated would increase support in Congress for the Mansfield amendment requiring large unilateral withdrawals of United States forces in Europe, an unwise way to reduce our presence.

This Administration has been ambivalent about the Brandt *ostpolitik* and has not put its full influence behind it. It has evidently been fearful that a decrease in tension might reduce NATO solidarity. But the effect on the Warsaw Pact would be at least as great. In any event, the purpose of NATO is not the structure itself but to add to security. Settlement of areas of conflict furthers that goal. The Administration has seemed so wrapped up in the meetings in Peking and Moscow that it has neglected our vital interests in other European relationships.

The Christian Democratic party in Germany is using the treaty vote to attempt to bring down the Brandt Government and bring itself to power. It is shameful to permit domestic politics to upset vital European progress. The Christian Democrats' failure to muster the necessary absolute majority by just two votes in last week's vote of no-confidence still leaves the situation precarious because for ratification it will be Brandt who must obtain an absolute majority.

The Christian Democrats have taunted Brandt over lack of American support for his *ostpolitik*. Certainly the United States should bring strong pressure quietly but firmly on the Christian Democrats making plain our concern over their opposition to ratification. They should understand that if they come

into power by blocking the treaties this will adversely affect our relations. It is hard to believe that if such representations were made by the United States they would not sway the few votes which are necessary to insure ratification. I earnestly hope that the United States Government will act before it is too late.

THE JOINT RESOLUTION OF THE BUNDESTAG

In connection with the voting on the treaty of 12 August 1970 between the Federal Republic of Germany and the Union of Soviet Socialist Republics, and on the treaty of 7 December 1970 between the Federal Republic of Germany and the Polish People's Republic concerning the basis for normalizing their mutual relations, the German Bundestag declares:

1. One of the determining aims of our foreign policy is to preserve peace in Europe and the security of the Federal Republic of Germany. The treaties with Moscow and Warsaw, in which the contracting parties solemnly and wholly renounce the use of force, are designed to serve those aims. They constitute important elements of the modus vivendi which the Federal Republic of Germany seeks to establish with its eastern neighbors.

2. The Federal Republic of Germany has assumed in its own behalf the obligations it undertook in the treaties. The treaties proceed from the frontiers as actually existing today, the unilateral alteration of which they exclude. The treaties do not anticipate a peace settlement for Germany by treaty and do not create any legal foundation for the frontiers existing today.

3. The inalienable right to self-determination is not affected by the treaties. The policy of the Federal Republic of Germany aiming at the peaceful restoration of national unity within the European framework is not in contradiction to the treaties which do not prejudice the solution of the German question. By demanding the implementation of the right of self-determination, the Federal Republic of Germany does not make any territorial claims nor does it claim any alteration of frontiers.

4. The German Bundestag states that the continued and unrestricted validity of the Bonn conventions and of the related arrangements and declarations of 1954 as well as the continued validity of the agreement concluded on 13 September 1955 between the Federal Republic of Germany and the Union of Soviet Socialist Republics are not affected by the treaties.

5. The rights and responsibilities of the four powers relating to Germany as a whole and to Berlin are not affected by the treaties. In view of the fact that the final settlement of the German question as a whole is still outstanding, the German Bundestag considers as essential the continuance of those rights and responsibilities.

6. As regards the significance of the treaties, the German Bundestag furthermore refers to the memoranda which the Federal Government has submitted to the legislative bodies together with the bills for the ratification of the treaties of Moscow and Warsaw.

7. The Federal Republic of Germany is firmly embedded in the Atlantic alliance which continues to form the basis of its security and freedom.

8. The Federal Republic of Germany will, together with its partners in the community, unwaveringly pursue the policy of European unification with the aim of developing the community progressively into a political union.

In this connection the Federal Republic of Germany proceeds on the understanding that the Soviet Union and other socialist countries will enter into co-operation with the EEC.

9. The Federal Republic of Germany reasserts its firm resolve to maintain and develop the ties between Berlin (West) and the Federal Republic of Germany in accordance with the quadripartite agreement and the German supplementary arrangements thereto. It will also in the future ensure the city's viability and the well-being of its people.

10. The Federal Republic of Germany advocates the normalization of the relationship between the Federal Republic of Germany and the GDR. It proceeds on the understanding that the principles of detente and good neighbourliness will be fully applied to the relationship between people and institutions in both parts of Germany.

TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The High Contracting Parties

Anxious to contribute to strengthening peace and security in Europe and the world,

Convinced that peaceful co-operation among States on the basis of the purposes and principles of the Charter of the United Nations complies with the ardent desire of nations and the general interests of international peace,

Appreciating the fact that the agreed measures previously implemented by them, in particular the conclusion of the Agreement of 13 September 1955 on the Establishment of Diplomatic Relations, have created favourable conditions for new important steps destined to develop further and to strengthen their mutual relations,

Desiring to lend expression, in the form of a treaty, to their determination to improve and extend co-operation between them, including economic relations as well as scientific, technological and cultural contacts, in the interest of both States,

Have agreed as follows:

ARTICLE 1

The Federal Republic of Germany and the Union of Soviet Socialist Republics consider it an important objective of their policies to maintain international peace and achieve detente.

They affirm their endeavour to further the normalization of the situation in Europe and the development of peaceful relations among all European States, and in so doing proceed from the actual situation existing in this region.

ARTICLE 2

The Federal Republic of Germany and the Union of Soviet Socialist Republics shall in their mutual relations as well as in matters of ensuring European and international security be guided by the purposes and principles embodied in the Charter of the United Nations. Accordingly they shall settle their disputes exclusively by peaceful means and undertake to refrain from the threat or use of force, pursuant to Article 2 of the Charter of the United Nations. Accordingly they shall settle their disputes exclusively by peaceful means and undertake to refrain from the threat or use of force, pursuant to Article 2 of the Charter of the United Nations, in any matters affecting security in Europe or international security, as well as in their mutual relations.

ARTICLE 3

In accordance with the foregoing purposes and principles the Federal Republic of Germany and the Union of Soviet Socialist Republics share the realization that peace can only be maintained in Europe if nobody disturbs the present frontiers.

They undertake to respect without restriction the territorial integrity of all States in Europe within their present frontiers;

They declare that they have no territorial claims against anybody nor will assert such claims in the future;

They regard today and shall in future regard the frontiers of all States in Europe as inviolable such as they are on the date of signature of the present Treaty, including the Oder-Neisse line which forms the western frontier of the People's Republic of Poland and the frontier between the Federal Republic of Germany and the German Democratic Republic.

ARTICLE 4

The present Treaty between the Federal Republic of Germany and the Union of Soviet Socialist Republics shall not affect any bilateral or multilateral treaties or arrangements previously concluded by them.

ARTICLE 5

The present Treaty is subject to ratification and shall enter into force on the date of exchange of the instruments of ratification which shall take place in Bonn.

Done at Moscow on 12 August 1970 in two originals, each in the German and Russian languages, both texts being equally authentic.

For the Federal Republic of Germany:

WILLY BRANDT,
WALTER SCHEEL.

For the Union of Soviet Socialist Republics:

ALEXEI N. KOSYGIN,
ANDREI A. GROMYKO.

TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE PEOPLE'S REPUBLIC OF POLAND CONCERNING THE BASIS FOR NORMALIZING THEIR MUTUAL RELATIONS

Considering that more than 25 years have passed since the end of the Second World War of which Poland became the first victim and which inflicted great suffering on the nations of Europe,

Conscious that in both countries a new generation has meanwhile grown up to whom a peaceful future should be secured,

Desiring to establish durable foundations for peaceful coexistence and the development of normal and good relations between them,

Anxious to strengthen peace and security in Europe,

Aware that the inviolability of frontiers and respect for the territorial integrity and sovereignty of all States in Europe within their present frontiers are a basic condition for peace,

Have agreed as follows:

ARTICLE I

(1) The Federal Republic of Germany and the People's Republic of Poland state in mutual agreement that the existing boundary line the course of which is laid down in Chapter IX of the Decisions of the Potsdam Conference of 2 August 1945 as running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, shall constitute the western State frontier of the People's Republic of Poland.

(2) They reaffirm the inviolability of their existing frontiers now and in the future and undertake to respect each other's territorial integrity without restriction.

(3) They declare that they have no territorial claims whatsoever against each other and that they will not assert such claims in the future.

ARTICLE II

(1) The Federal Republic of Germany and the People's Republic of Poland shall in their mutual relations as well as in matters of ensuring European and international security be guided by the purposes and principles embodied in the Charter of the United Nations.

(2) Accordingly they shall, pursuant to Articles 1 and 2 of the Charter of the United Nations, settle all their disputes exclusively by peaceful means and refrain from any threat or use of force in matters affecting European and international security and in their mutual relations.

ARTICLE III

(1) The Federal Republic of Germany and the People's Republic of Poland shall take further steps towards full normalization and a comprehensive development of their mutual relations of which the present Treaty shall form the solid foundation.

(2) They agree that a broadening of their co-operation in the sphere of economic, scientific, technological, cultural and other relations is in their mutual interest.

ARTICLE IV

The present Treaty shall not affect any bilateral or multilateral international arrangements previously concluded by either Contracting Party or concerning them.

ARTICLE V

The present Treaty is subject to ratification and shall enter into force on the date of exchange of the instruments of ratification which shall take place in Bonn.

In witness whereof, the Plenipotentiaries of the Contracting Parties have signed the present Treaty.

Done at Warsaw on December 7, 1970 in two originals, each in the German and Polish languages, both texts being equally authentic.

For the Federal Republic of Germany:
WILLY BRANDT,
WALTER SCHEEL.

For the People's Republic of Poland:
JÓZEF CYRANKIEWICZ,
STEFAN JEDRYCHOWSKI.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. TUNNEY). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the perfecting amendment of the Senator from Michigan (Mr. GRIFFIN) to the so-called Church-Case perfecting amendment, as amended, to section 701 of the bill.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11:30 a.m. today.

The motion was agreed to, and at 10:55 a.m. the Senate took a recess until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BELLMON).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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 11:35 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. HUGHES).

MESSAGE FROM THE HOUSE

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

H.R. 3698. An act for the relief of Louisa DiLeonardo;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to United States magistrates; and

H.R. 12179. An act for the relief of Swift-Train Co.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

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

H.R. 14070. An act 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; and

S.J. Res. 234. A joint resolution deploring the attempted assassination of Governor George C. Wallace of Alabama.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. TUNNEY).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 3698. An act for the relief of Louisa DiLeonardo;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to United States magistrates; and

H.R. 12179. An act for the relief of Swift-Train Co.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS TO 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and at 12:11 p.m. the Senate took a recess until 1 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 181 Leg.]

Allen	Byrd, Harry F., Jr.	Gurney
Baker		Hughes
Bible	Byrd, Robert C.	Miller
Boggs	Fong	Sparkman
Burdick	Griffin	Symington

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott	Hansen	Packwood
Anderson	Harris	Pastore
Bayh	Hart	Pell
Beall	Hartke	Percy
Bellmon	Hatfield	Proxmire
Bentsen	Hollings	Randolph
Brock	Hruska	Roth
Brooke	Jackson	Schweiker
Buckley	Javits	Scott
Cannon	Jordan, Idaho	Smith
Church	Kennedy	Spong
Cooper	Long	Stafford
Cotton	Magnuson	Stennis
Cranston	Mathias	Stevenson
Curtis	McGee	Taft
Dole	McGovern	Talmadge
Dominick	McIntyre	Thurmond
Eagleton	Metcalf	Tower
Ellender	Mondale	Tunney
Fannin	Moss	Weicker
Fulbright	Muskie	Williams
Goldwater	Nelson	Young

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Caro-

lina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate cannot proceed until there is order in the Senate.

The Senate is not in order.

Mr. ROBERT C. BYRD. Mr. President, would the Chair ask Senators to take their seats?

The PRESIDING OFFICER. Will Members of the Senate take their seats so that the Senate may proceed? The Senate cannot proceed until there is order in the Chamber.

Mr. ROBERT C. BYRD. Mr. President, I asked for a quorum at 1 o'clock p.m. today. The quorum call became live at 1:08, and 30 minutes were required to establish the presence of a quorum.

The Senate went into session at 10 o'clock this morning.

The PRESIDING OFFICER. Will the Senator suspend until we have better order in the Senate?

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROBERT C. BYRD. The Senate convened at 10 o'clock today. There was one 15-minute unanimous-consent order for the recognition of a Senator. Following that there was a period of 30 minutes for morning business. Following the close of morning business at 10:41, there have been three recesses. The first recess started at 10:55 a.m. and lasted until 11:30. The second started at 11:35 and lasted until noon. The third started at 12:11 p.m. and lasted until 1 o'clock p.m.

I see no reason why we should come in at 10 o'clock in the morning if Senators are not going to debate the unfinished business before the Senate. Since the close of morning business today there has not been one paragraph, one sentence, one word, one consonant, or one vowel spoken on either side of the aisle or on either side of the pending question before the Senate.

I hope that Senators will stay on the floor and will debate the unfinished business, if that is what they want to do. If that is not what they wish to do, I would hope that the Senate could proceed with other business, dispose of it, and keep the calendar reasonably clear, in view of the fact that by the time June arrives, the Senate is going to have a number of appropriation bills, a very controversial nomination or so, and other controversial measures ready for action.

I hope that Senators will cooperate on all sides. I do not mean to score any Senator or any group of Senators, or anyone. But the Senate looks ridiculous coming in at 10 o'clock, and then having three recesses with not a word spoken regarding the business before the Senate—not a single word—and I have been on this floor every minute since morning business was closed.

So I am going to ask Senators if they would be willing to proceed now to the consideration of the atomic energy bill. The Senator from Rhode Island (Mr. PASTORE) is here. He is ready to proceed with that bill, as the manager of the bill. The Senator from Tennessee (Mr. BAKER) is here. We have previously obtained unanimous consent to take that bill up at 3 o'clock this afternoon; but, Mr. President, at the rate we are going, and with the disposition of the Senate apparently being what it is—not to debate the unfinished business at this time—I would hope we could proceed now with the atomic energy bill. There is a time limitation of 2 hours on that bill, 1 hour on the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), and 30 minutes on any other amendment.

Mr. PASTORE. Mr. President, I just want to say there is no disposition on the part of the Senator from Rhode Island, nor I am sure of the Senator from Tennessee, to disturb the regular procedure on the pending business. We realize how important the foreign aid bill is, together with the amendments which have been proposed with relation to withdrawal of troops from Vietnam. But in view of the situation that no progress is being made, and realizing that the legislation we wish to discuss has to do with an emergency situation—we have been told by reliable people that there are various parts of the country where we might have a brownout or a blackout unless we do something about temporary licenses on certain nuclear reactors that have been constructed or substantially constructed, so that temporary operating licenses might be issued in order to avert the crisis of a brownout or blackout—I think under the circumstances, there is no need to wait until 3 o'clock. I agree with the distinguished Senator from West Virginia that we ought to proceed with this, or at least we ought to have some activity that is productive.

That is all I have to say.

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

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, though yesterday there was a request to take up the AEC bill which did not succeed, I wish to say that now I fully support the request of the acting majority leader, and I fully concur with his position at this time. I think it will not only be important in providing a matter for the Senate to deal with at this time, but is important on its own merits. Notwithstanding the fact that the pending business is also of vital importance to the country, I think it is clear now that we should proceed to consider the other measure. So I now join in the remarks of the Senator from Rhode Island, and commend the leadership for making this request at this time.

Mr. GRIFFIN. Mr. President, if the distinguished assistant majority leader will yield, I wish to join in his request. The AEC bill is legislation as to which there is not a great deal of controversy, and on which we could proceed in an orderly fashion. If we do so, I am sure the Senate will look much better in the eyes of the country.

I would hope that we might be able to take up other measures as well, on a two-track basis or on some other basis—measures that the Senate could act on and come to a conclusion about. It is quite obvious to everyone, I think, as the President prepares to leave at the end of the week on his trip to Moscow for very critical and important discussions, that there are many in the Senate who do not believe this is an appropriate time to vote on some of the measures that have been proposed. I do not say that so much because of concern as to how a particular vote would come out, but because I do not believe the President's mission should be affected by what we do or say here while he is in Moscow.

Accordingly, I believe it would be wise and most appropriate to lay the pending business aside temporarily so the Senate could now take up the AEC bill.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader.

Mr. PERCY. Mr. President, will the distinguished assistant majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. PERCY. I would like to associate myself with those comments. We all feel very deeply about the war, and we believe—I know I certainly believe—that we want to support and back the President in every conceivable way consistent with our own conscience in this very important mission he is embarking upon. So I would not want to see us get into matters that would contribute in any way to diminishing the success and progress that the President would otherwise have.

I feel that a two-track system is not only essential and necessary on this pending measure which we can move into immediately, but I would also very much like an opportunity, when the distinguished Senator from Louisiana (Mr. LONG), the chairman of the Finance Committee, is present, to really question what has happened to H.R. 1. We are going to run into the conventions this summer, and we are going to have to deal with some very important, urgent legislation. That legislation was promised. It was promised to me by the chairman of the Finance Commitee, the Senator from Louisiana (Mr. LONG) that H.R. 1 would be on the floor by March 1. Over 20 Governors have incorporated in their State budgets for this fiscal year

certain amounts of interim welfare relief money that the administration supports, and that many of us in the Senate have indicated and promised to seek. Yet, here we are in the middle of May, and welfare reform and revenue sharing bills have not been passed.

As time goes on, we will have a terrible logjam. I fully support, 100 percent, the position of the acting majority leader today that we should have a two-track system and keep as busy as possible. Let us keep the Senate tending to the work of the Senate and the Nation as rapidly as we can, and let us get out of committees as rapidly as we can the great logjam of legislation that will otherwise descend upon us at a time when we will not be in a position to handle it this summer.

Mr. ROBERT C. BYRD. Mr. President, let me say that I am not implying any criticism, in an unfriendly way, of any Senator. The criticism I have offered is constructive, and is directed toward all of us. I feel we will have the cooperation of all Senators, if we strive for an understanding, in setting aside the pending business from time to time temporarily and briefly to take up other matters. It is not at all my inclination to set the matter aside for any great length of time.

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

Mr. ROBERT C. BYRD. I yield.

Mr. HUGHES. Apparently the question as propounded is related to a two-track system. May I ask the Senator, is that true or not?

Mr. ROBERT C. BYRD. May I state that I believe I have already answered that question. It is not my intention to set this matter aside for any great length of time. I just hope, however, that the leadership will have the understanding and cooperation of all Senators—and I believe the leadership will have that cooperation—in setting aside from time to time the unfinished business—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. I hope that the leadership will have cooperation from all Senators in setting the unfinished business aside on an ad hoc basis from time to time to take up other items on the calendar.

Mr. HUGHES. Mr. President, it is not the intention of the Senator from Iowa to object to such a unanimous-consent request, but I do wish to make it clear that circumstances might arise where objection would be made to other requests of a similar nature. I have no objection at all to moving ahead today, basically because of the reasons that the Senator from West Virginia has stated.

Mr. ROBERT C. BYRD. Mr. President, the able Senator from Iowa has been in attendance on the floor at all times during the day and has certainly been ready, willing, and able to discuss the matter at hand. But there has been no debate. I imply no criticism toward him or anyone else.

UNANIMOUS-CONSENT AGREEMENT TO LAY ASIDE FOREIGN RELATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 3526, be now temporarily laid aside; that the Senate proceed immediately to the consideration of S. 3543 and continue consideration of S. 3543 until that matter is disposed of; and that the unfinished business remain in a temporarily laid-aside status until S. 3543 is disposed of or until the close of business today, whichever is the earlier.

Mr. PERCY. Mr. President, reserving the right to object—and I do not intend to object—I did ask whether Senator LONG could give us a brief report. Would it be possible, following this unanimous-consent request, to immediately engage in a 2-minute colloquy—which is all we would need—to get a clarification as to how H.R. 1 stands, and then proceed immediately?

Mr. ROBERT C. BYRD. It would be a matter of getting time from Senators who would be in control of time.

Mr. PASTORE. I would be willing to do that, once the unanimous-consent request was agreed to.

Mr. JAVITS. I need 3 minutes.

Mr. PASTORE. I will yield 3 minutes, once I am recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 3543, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 3543) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 1 hour to each side on this bill.

Who yields time?

WELFARE REFORM

Mr. PASTORE. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator for yielding.

Mr. President, I am very pleased that now the distinguished chairman of the Committee on Finance is in the Chamber, so that I might address this question directly to him.

He knows better than anyone else the urgent need for welfare reform, a matter so urgent that many people feel we just have to junk our present chaotic and unworkable system, that is bankrupting our States. The financial stress on our States is so great that more than 20 Governors have contacted me with respect to the so-called Percy emergency welfare relief amendment, urging that we handle this matter as quickly as possible. Based upon the representations made in this Chamber last November, many of these Governors have incorporated in their budgets a certain amount of Federal relief for their welfare costs. Without H.R. 1, there would be no Federal relief.

In a colloquy which I had with the distinguished Senator from Louisiana many months ago, it was determined and stated by him that we could expect to have that measure on the floor as early as February 15 and no later than March 1.

I know that our State has counted heavily on having this measure passed by now. Here we are moving toward the summer period, when we all will be occupied in Miami, and I can see the weeks going into months, and still we have no H.R. 1.

I realize the complexity, I realize the tremendous load, and I recognize that, when the national debt-ceiling bill came along, the administration asked the Finance Committee to set aside its work for the 3 days it required to have that emergency provision taken care of. I know the committee has been meeting steadily. But could we have some understanding now as to why the March 1 date was not met—and as to when we can reasonably expect H.R. 1, the social security and welfare-reform bill, to be on the floor, so that the important provision to provide the States interim fiscal relief for fiscal 1972 until welfare reform takes place could be incorporated in that legislation?

Mr. LONG. Mr. President, I am happy to reply to the Senator, because I do want to explain this to the Senate.

It was my hope that we would have this measure on the floor about the time the Senator indicated, and I anticipated that we would have a bill here by now. Unfortunately, this measure has proved to entail a great deal more than this Senator could anticipate at that time. We did manage to conclude the hearings in 3 weeks, in spite of some criticism that could be leveled at us at that point for undue haste on this important measure, which I believe will prove to be the most significant piece of social legislation passed in the 23 years I have been here.

The PRESIDING OFFICER (Mr. WILLIAMS). The time of the Senator has expired.

Mr. PASTORE. Mr. President, I ask that 5 minutes be granted for this colloquy, without the time being taken from the time on the pending bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. It was my hope that we would have been able to complete our work on this matter by this time.

We did not spend a great deal of time in hearings—only about 3 weeks—but this measure involves so many things and it has so much complexity, and the committee found so many things that in its judgment were wrong with what the House sent us, that we felt that we should draft a bill that would make work more attractive than welfare, and we are doing that.

We have voted on provisions which will provide the States relief along the line that the Senator has been suggesting.

The committee is meeting every day from Monday through Friday. We are meeting whether or not we have a quorum, trying to move on with this measure.

I hope we will be reporting on this

matter within the next 10 days or 2 weeks, and I wish I could guarantee that. Unfortunately, so much is involved in this matter that in trying to help straighten out a very bad situation, in which welfare has become far more attractive than work for a great number of people, the committee, in doing a responsible job and recommending to the Senate what it thinks should be the answer to the many difficult problems, has found it necessary to take more time than I had anticipated.

I say to the Senator that I believe we will be able to conclude our action on this measure with less overall calendar time spent in executive sessions than did the House Ways and Means Committee. Even though the committee amended the bill, and in executive session the Committee on Finance is proposing to submit an amendment in the nature of a substitute for the family assistance plan, we think we can submit something that would be substantially as attractive to those remaining on welfare, as what they would have under the family assistance plan and, at the same time, something that would be far more attractive for people to go to work than they have at the present time.

Much of the mess that the welfare situation is in now—and it would be a bigger mess, in my judgment, if we passed the bill the House sent to us—results from having welfare payments so high that welfare becomes more attractive than low-paying jobs.

We will have the bill out here as soon as we can. I believe the chances are good that we can have it out in time so that if the Senate can limit itself to three weeks' consideration of the bill, we might be able to pass the bill between now and the first national party convention. But I cannot guarantee that. I say that as one who is there every day doing all I can to move the measure along, declining to set this aside for other matters.

Mr. PERCY. I want to be as understanding as possible of the complexity of the problem, but I also know that the distinguished Senator From Louisiana has a remarkable ability to get things done when he really puts himself behind it. I want to remind him that when I withdrew my amendment, I did so with the clear understanding that we would have the bill on the floor no later than March 1. I would like to remind the distinguished Senator, further, that he only took one exception, when he said, "I have only one reservation. If the President comes in here with some request, he considers so urgent that everything else should stand aside, we will have to consider that request."

The administration came forth with one request that took 3 days, which would mean having H.R. 1 on the floor on February 18 or March 4; but here we are in the middle of May and no H.R. 1.

I put into the RECORD the letters and telegrams from 20 Governors saying how urgently they needed this emergency relief. Given what was promised last November in this Chamber, they incorporated this emergency relief in their budgets. Without it they could face bankruptcy. Many States by law cannot incur indebtedness in operating expenses. They would be faced with the "gun" on June 30, the end of this fiscal year. This is the problem. So, I would hope that we would pursue this matter. It is urgent, and I cannot emphasize enough the urgency that is felt by the States to see the expeditious passage of this legislation that the distinguished Senator is handling.

Mr. LONG. Permit me to say to the distinguished Senator that I sympathize with him. If I were the only Senator on that committee, that bill would be here now.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator has expired.

Mr. PASTORE. I yield 1 additional minute to the Senator from Louisiana, under the same conditions.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. There are 16 members on that committee and each one feels an obligation to do his duty. I would say to the Senator that, even though we are doing far more and recommending far more drastic departures from what was sent to us from the White House and by the House of Representatives, I believe that we will be able to conclude our deliberations in less time, in executive sessions, than did the House, even though the House was rushing to try to get the bill to us before Easter, and the House committee could not complete its bill any sooner. While I am disappointed that we could not meet the date I mentioned to the Senator, the same thing was true of the good intentions of the distinguished chairman of the Committee on Ways and Means in the House. I do not believe that anyone believes Chairman MILLS is not an effective chairman and an effective Representative. He did the best he could to report this bill to the House by the date he mentioned to me, and I am trying as best I can to report the bill as soon as the Finance Committee can complete its work.

Mr. PERCY. I thank my distinguished colleague from Louisiana. I fully support his efforts to expedite this legislation.

Mr. LONG. I promise to continue my best efforts to do so.

Mr. PERCY. I thank my distinguished colleague from Rhode Island (Mr. PASTORE) for yielding us this time.

Mr. PASTORE. Mr. President, under the same conditions, I yield 3 minutes to the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I do not know of any chairman of a committee who could have worked more diligently on this matter than the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG). He has had the committee in session almost every day since January.

This is an immensely complex bill, containing at least four pieces of legislation; namely, welfare, medicare, medicaid, and social security.

The legislation which came to the committee under the guise of welfare reform was not, by any stretch of the imagination, welfare reform. It was welfare expansion.

The committee had to start at the beginning, to try to get the bill in some sort of shape to submit to the Senate. The committee, under the leadership of the distinguished Senator from Louisiana, has been working day after day, week after week, and month after month since January. I do not know how any committee chairman could have handled this matter more diligently or more conscientiously than has the Senator from Louisiana (Mr. LONG).

So far as this legislation being passed by the Senate is concerned, prior to the time the Senate adjourns for the first national convention, in my judgment, it cannot be done. It should not be done.

The Senate—if it is going to understand the bill, and I assume the Senate wants to understand it before voting on such a gigantic proposal—will have to take weeks to understand it.

So far as I am concerned, I shall object to any unanimous-consent requests to limit the time for consideration on the floor of the Senate of this very complicated and complex bill, H.R. 1.

In conclusion, I say again that I think the Senator from Louisiana has done everything he can to try to bring the bill to the floor in the least possible time and, simultaneously, to bring it to the floor in an understandable form and in a form that will be to the best interests of this Nation.

I thank the Senator from Rhode Island (Mr. PASTORE) very much for yielding me this time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 8, 10, 14, 17, 19, 25, 26, and 40 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 5, 6, 12, 22, 23, 27, 33, and 38 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

The Senate continued with the consideration of the bill (S. 3543) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

Mr. HUGHES. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. HUGHES. Is it the intention of the distinguished Senator from Rhode

Island to ask for the yeas and nays on final passage?

Mr. PASTORE. I was not going to.

Mr. HUGHES. I think this matter is of such importance that I should like to request the yeas and nays on final passage.

There was not a sufficient second.

Mr. PASTORE. More Senators have now come into the Chamber and I would suggest to the Senator that he renew his request for the yeas and nays.

Mr. HUGHES. Mr. President, I renew my request for the yeas and nays on final passage.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. PASTORE. Mr. President, I ask unanimous consent that Mr. William Parler, special counsel to the Committee on Atomic Energy, be permitted the privilege of the floor during consideration of the pending legislation.

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

Mr. PASTORE. Mr. President, the pending bill was reported unanimously by the Joint Committee on Atomic Energy. It is identical to H.R. 14655 which was passed by the other body by voice vote on May 3, 1972.

I want to make certain that every Member of this body understands exactly the purpose of this legislation. It is intended for one purpose and one purpose alone—to deal with an emergency power shortage situation which is already upon us, but which is expected to be alleviated by October of next year. In other words, the legislation is for the purpose of authorizing timely licensing actions to avoid or minimize the chances of blackouts and brownouts throughout this country. The legislation is in the public interest to deal with the emergency situation. Legislation to deal with this emergency has been requested by the administration, and has been endorsed in hearings before the committee by Mr. Russell E. Train, Chairman of the Council on Environmental Quality, and Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency.

The legislation would provide, for an interim period which will end on October 30, 1973, additional authority to the Atomic Energy Commission to permit the temporary licensing of nuclear powerplants to meet essential power needs. The 15 nuclear powerplants which have been either fully or substantially constructed could be considered for temporary licenses. The need for this additional authority arises mostly because the permanent license for these plants is being, or is expected to be, contested, and these contested hearings could be well prolonged as every Senator knows. In the absence of such a contest, no additional licensing authority is needed. The additional authority has no application to licensing proceedings which are not contested.

In conferring on the Atomic Energy Commission the authority needed to deal with the emergency situation, the legislation does not dilute the Commission's safety and environmental responsibilities.

Any party to the licensing proceeding could file affidavits in support of, or in opposition to the issuance of the temporary operating license. As indicated clearly in the committee's report on the bill, the purpose of the temporary operating license proceeding is to establish a record on the findings which the Commission must make for purposes of temporary operation. That proceeding is not to be used to reopen issues which have already been decided, or to debate issues which, in the Commission's judgment, can be decided in the contested hearing on the full-term license. Nothing in the bill prescribes inflexible procedural requirements, such as opportunities for discovery and cross-examination, which must be followed in all temporary licensing proceedings regardless of the circumstances in each individual proceeding. If all interested parties to the temporary licensing proceeding agree, the expedited procedures can be waived in the interest of permitting temporary operation.

If, in the judgment of the Commission, the affidavits raised a substantial issue of material fact which must be resolved for purposes of the temporary operating licensing findings, the Commission would not be precluded from holding a trial type hearing on such an issue in rare instances when, in its discretion, such a hearing is the best approach to resolve the issue.

Mr. President, at this point I should like to address myself to the distinguished Senator from Tennessee, because he has expressed supplemental views in the committee's report.

It is clear to both of us, I believe, that what we have to contend with here is the case of about 15 nuclear reactors which have already been constructed or substantially constructed in areas of the country where there is an anticipated shortage of electric energy resulting possibly in blackouts or brownouts, whatever the case may be.

At any rate, this additional licensing authority is temporary in effect. It expires on October 30, 1973. It will not affect licensing proceedings for full-term operation. It still contains the responsibility of the Commission to meet the requirements of applicable law and to file what has commonly been referred to as a "mini-environmental" report if the final detailed environmental statement is not yet available. However, if, in the judgment or in the discretion of the Commission, certain questions are raised of a substantial nature which, in their judgment must be resolved prior to temporary operation, the Commission must, under expedited procedures, provide for the development of an adequate record to support its findings. In some instances the Commission may deem it best to utilize evidentiary trial-type procedures to assist in resolving the issue, and it is not precluded from doing so.

Mr. President, I have stated it as clearly as I can. I wonder if the Senator from Tennessee agrees with that being the intent of the committee?

Mr. BAKER. Mr. President, if the Senator will yield, I would be happy to respond to that inquiry. I did in fact file supplemental views as the Committee on Atomic Energy reported this measure for consideration by the Senate. Those views appear at pages 13 through 17 of the printed report.

I entirely agree with the characterizations of the bill and the purposes outlined by the distinguished Senator from Rhode Island. On the particular point he puts—that is whether or not, as I understand it, there is a technique for establishing a safeguard for those who would challenge the issuance of an interim license—it is clear to me that the bill provides that one can make an issue of fact by affidavit before the Commission and that the Atomic Energy Commission will determine on the public record whether there is a significant, material issue of safety or environmental impact involved which must be resolved for purposes of the required findings for temporary operation.

If, in the Commission's judgment there is such an issue, they would presumably set it down for hearing as they would do under the authority which the AEC already possesses. If they do not find there is an unresolved dispute about a material fact relating to the findings which the Commission must make to license temporary operation, or if there were agreement of the parties, there would be no trial-type hearing.

Mr. PASTORE. There would be no hearing. However, if the hearing is held, it would be conducted under expedited procedures which should be sufficiently flexible to permit the temporary operating licensing action to be taken on a timely basis to meet or alleviate the power crisis. In some instances, the Commission may deem it best to utilize a trial-type hearing to resolve an issue, and it is not precluded from doing so.

Mr. BAKER. A trial-type hearing would be required in those cases in which there were substantial unresolved issues of fact which the Commission must resolve for purpose of temporary operation.

Mr. PASTORE. That is correct, if the issue relates to the granting of a temporary operating license.

Mr. BAKER. Mr. President, I have one other issue on which I think the Senator from Rhode Island will agree with me. That concerns the exercise of discretion by the Atomic Energy Commission in determining whether substantial issues relating to temporary operation have been raised. There is already established in the law methods to facilitate such a determination. Those methods are not affected by this legislation.

If there is a challenge to the issuance of a temporary interim license, affidavits will be filed and the Commission will determine on the public record whether there is a material issue of fact by using these procedures. And if they decide there is no such issue, there would be no trial-type hearing. If they decided there is such an issue, the parties continue to have the flexibility to consent to procedures to resolve them. The Commission has available to it a great deal of procedural flexibility. The bill provides that the temporary licensing proceeding "shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate."

The authority in the AEC in this respect already exists. It is just that the AEC has never used it before through abbreviating the hearings or short-circuiting the hearings and very properly doing what we are describing under the statute and the existing authority of the AEC Act.

This is to make certain that the act does in fact spell out in clear detail what we mean, and that is to provide an adequate, quick method for the development of an adequate record to support the temporary operation finding without time-consuming procedures which threaten to bog down these plants commencing this summer.

Mr. PASTORE. And to assure that the AEC established procedures for temporary operating licenses which would not cause a delay in operation that might be prolonged and prolonged even if there is an emergency power need. What we are trying to do is to meet or alleviate emergency power shortage situations.

I would hope that the courts will understand what we are trying to do. We are not trying to subvert the law. We are not trying to affect the safety requirements that ordinarily must be exercised in this important area. We are not trying to do that at all.

We are trying to meet a crisis situation. And, for this reason, we are proposing to grant this temporary licensing authority on an interim basis until October 30, 1973, so that we can meet this crisis in such a way that we can assure the safety of the temporary operation of reactors which have been fully or substantially constructed and also protect the environment.

Our experience has been that decisions on these matters in connection with the full-term license tends to be prolonged and prolonged, and we actually get nowhere. In the meantime a large part of the country may be in the dark.

If the Senator will permit me for a moment, I will indicate on this chart what we mean so that the Senate will understand what we are up against. We have some charts here that reveal the situation. We should take a look at them. The red markings signify those areas. The areas are in North Dakota, Wyoming, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, part of Mississippi, all of Texas and Colorado.

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

Mr. PASTORE. I yield.

Mr. SYMINGTON. Part of Missouri also. Right?

Mr. PASTORE. Part of Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. PASTORE. As a matter of fact, the greater part of Missouri.

Mr. SYMINGTON. That is correct.

Mr. PASTORE. And I am glad the Senator from Missouri is here.

Mr. SYMINGTON. I thank the Senator.

Mr. PASTORE. We do not want to put him in the dark.

Mr. SYMINGTON. He does not want to be kept in the dark.

Mr. PASTORE. Mr. President, this is for the power shortage of 1972. Now, if we go to the winter of 1972 and 1973 it becomes alleviated to some extent, and the predicted shortages are expected to worsen for the summer of 1973. No data are available beyond that period. That is why this is on a temporary basis. I hope the Senate will understand what we are trying to do here.

The Senator from Tennessee and the Senator from Rhode Island have no personal interest in this matter. This is an administration recommendation and this has been advanced by the administration and endorsed in open hearings by Mr. Train, the Chairman of the Council on Environmental Quality and by Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency.

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

Mr. PASTORE. I yield.

Mr. SYMINGTON. Mr. President, it is my privilege to serve under the distinguished senior Senator from Rhode Island, Chairman of the Joint Committee on Atomic Energy. I have followed the discussions on this subject to the best of my ability and completely agree with him. I would also commend the distinguished Senator from Tennessee for the fine work he has done in presenting this solution to the problem.

I hope the Senate will take action promptly on this legislation, especially in that if we do run into a serious power shortage it will be too late to handle it. In this country we have already had many brownouts and we could have dangerous blackouts. Therefore, I support this legislation and thank the Senator for yielding.

Mr. PASTORE. Mr. President, to continue with my statement, the hearing and decisional process on the temporary license shall be conducted with expedited procedures which the Commission is specifically authorized to prescribe. The flexibility given to the Commission to prescribe these expedited procedures is consonant with the fact that the purpose of the temporary licensing authority is to provide a reasonable means of meeting or avoiding emergency situations.

Significant provisions relating to a temporary operating license under S. 3543 include:

A. The Commission must make the required safety and environmental determinations for purposes of the temporary operation.

B. The requirements of the National Environmental Policy Act and all other applicable law must be satisfied.

C. The temporary licensing authority could only be used to meet essential power needs.

D. The authority to issue temporary operating licenses would expire on October 30, 1973.

E. The applicant must proceed with due diligence to obtain its permanent license; and if it fails to do so, the temporary license must be vacated.

In my view, S. 3543 is responsive to the administration's request for additional legislative authority to deal with emergency power situations and to avoid unnecessary brownouts or blackouts.

Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator for yielding. The Senator from Rhode Island has done excellent work in bringing this measure to the Senate. I have nothing further to offer except to say I think the bill is essential. It is necessary. I think the bill is prudent. I think it is desirable both from the standpoint of our best efforts to alleviate the threat of a serious electrical power shortage this summer to prevent blackouts and brownouts in this country, and I think we make all safeguards we can possibly make against infringement on the quality of our environment.

I think the bill is a good bill. We had strenuous and energetic debate in the Joint Committee on Atomic Energy. We considered a number of bills and alternatives, including administration proposals, and others introduced by colleagues in the House. Every proposal which came before the committee was tested under the heat and fire of debate.

I think it fair to say that, serving on the Subcommittee on Air and Water Pollution of the Committee on Public Works, and on the Committee on Commerce, which have substantial jurisdiction in the field of environmental programs, as well as the Joint Committee on Atomic Energy, I have tried to give this matter broad overview not only in terms of the power supply of the Nation but also with respect to the environmental impact. I am satisfied with the bill; I think it is a good bill.

On the additional temporary operating licensing authority and the procedural flexibility available to the Commission, I think the bill is clear and unambiguous. It speaks for itself. I think the report language is helpful in further explaining the background and the situation as it was viewed by the Joint Committee on Atomic Energy. But this is one case where the language of the statute is explicit and we can relate it to other sections of the law, including the Administrative Procedure Act.

The Senator from Rhode Island has explained what would happen. We would contemplate that those in charge of the production of electricity in the United States and have nuclear powerplants to meet this crisis would make application for a temporary license if their application for a full-term license is contested and subject to excessive delay. Some would say that this bill makes it so cumbersome that they might as well apply for a permanent license instead of a temporary license. I wish to state there is a substantial difference.

While we fully protect the right to challenge the determination of the AEC and other regulatory agencies, there are real differences between licensing a temporary operation and a permanent operation of a powerplant. As I point out on page 15 of my views:

The point is that the short-term operation of a nuclear power reactor, often at less than its full power capacity, may pose far fewer

issues of radiological health and safety and environmental impact than might the full-term, full-power operation of the same nuclear plant.

So there is something real to be gained as distinguished from a permanent operating license.

Mr. President, I hope we pass this bill, as the House already has done, that the public utilities will avail themselves of this legislation and bring these 14 or 15 powerplants in line this year, and give us the opportunity to alleviate the threat of blackouts and brownouts. Congress is doing its part legislatively and has shown great concern for the environmental impact and has acted in a way that is entirely conscionable in terms of the needs of the country as measured against the environmental integrity of the country.

Mr. President, I support the bill and I commend the distinguished Senator from Rhode Island.

Mr. ANDERSON. Mr. President, I would like to make a few comments concerning S. 3543 which I introduced for myself and the distinguished senior Senator from Vermont.

The intent of the bill is quite clear. There is no disagreement that we face a power shortage if something is not done now to bring into service additional nuclear power generating plants and to do so in a manner which does not unreasonably endanger the environment. I am, however, convinced that the bringing into service of additional power reactors to provide electrical power for both industrial and domestic consumption in itself makes a substantial contribution to the improvement of our environment.

I have a concern relating to the requirement for a hearing to give the public an opportunity to be heard as part of the decisionmaking process in granting a temporary operating license. S. 3543 specifically states:

The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

It was my intent under this language that the Commission would develop expedited procedures consistent with good judgment and a procedure which would provide an opportunity for a full disclosure of material facts on all substantial issues. I did not intend that the hearing procedures called for would be judicial in nature or long, drawn out hearings somewhat consistent with what is now required under the present licensing procedures. Nothing would be gained if this were true.

I also would like to explain the intent of subsection b.(2), which reads:

With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that: operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license. . . .

This language was intended to be interpreted as requiring operating procedures and conditions consistent with what is now being reasonably done in the operation of nuclear power reactors. I would sincerely hope that if this bill is to provide any kind of relief and make its contribution to alleviate the power shortages which we are forecasting, its language not be used as a means of tightening down operating procedures to such an extent that any advantage we may have gained by expediting the hearings and issuance of temporary licenses, and so forth, is negated by more stringent operating procedures.

I want to make it quite clear, however, that I am in no way advocating easing the present operating procedures or in any way implying that I would be satisfied with increasing the degradation of the environment. I am now and always have been convinced that we can have both an improved and safe environment and needed electrical power through the use of nuclear power reactors.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. HUGHES. Mr. President, it is the intention of the Senator from Iowa to vote for the bill. I would like to ask the distinguished chairman if he could indicate to the Senator from Iowa some of the safety factors that are involved, particularly in the two plants in my State of Iowa. We have had a lot of communication from people there in relation to the possible adverse effect on water of the Missouri River and of the Mississippi River from the plant in Illinois.

I intend to vote for the measure because I am satisfied, but I think it might be helpful for constituents of mine and for me to have that information.

Mr. PASTORE. The fact remains insofar as this legislation is concerned that the Commission must assure that safety and environmental aspects are satisfied for purposes of temporary operation. I do not think we are changing that situation in any way.

Mr. HUGHES. The Senator is satisfied, then, that as far as the rivers are concerned the safety factors involved assure no further deterioration of the water?

Mr. PASTORE. The point is if there is uncertainty on the part of the Atomic Energy Commission regarding compliance with applicable law, the temporary license would not be granted.

I mean, that is the sum and substance of it. The purpose of this bill is not to subvert existing law. The purpose of this bill is to meet a temporary emergency situation and, naturally, the Commission has to continue to be very cautious that applicable requirements of law are met. The bill in no way condones or permits something that is not safe or that injuries the environment. That is not the purpose of the bill. If that were the purpose, the Senator from Rhode Island and the Senator from Tennessee would be the last persons in the world to urge that the bill be passed.

I do not want to see any harm done to anyone. I do not want to see the environment hurt in any way. I want to protect the public, and at the same time I want to protect the rights of the people. On the other hand, if we procrastinate too long, we do more harm than the harm we are trying to avert. We all know the extent to which the licensing process has prolonged Commission decisions and that sometimes the questions which are involved are raised by groups located far away from the site of the reactor. The proceeding goes on and on ad infinitum. In the meantime the public suffers because of the prolonged delay.

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

Mr. PASTORE. I yield.

Mr. BAKER. I would like to make an additional response to the excellent inquiry of the Senator from Iowa. Two or three things occur to me in view of the question he raised. The first is that we are dealing here with the codification of a procedure to issue a temporary license instead of a permanent operating license. Temporary as distinguished from permanent may be more important in the nuclear field that in others, an example being that there might be an accumulation of low-level radiation over 40 years, the normal term for the full-term license, in crustaceans and other animals subject to accumulations of radioactivity. The accumulation over a period of 40 years might be one thing, but over a period of 6 months or 1 year or 5 years it might be a different thing, where the concentration is not of significant import. So in a hypothetical case, we might take a contest that might be in progress before the Commission or in the courts over the issuance of a permanent operating license, which might involve the long-range question, along with the effects of low-level radiation. But during the pendency of these proceedings to determine the long-range problems, a temporary operating license could be issued.

Mr. PASTORE. And, if the Senator will yield, continue to study the long-term effects of the problems?

Mr. BAKER And the long-term effects of accumulations of low-level radiation. This is important, because in most cases we are proceeding in these instances on the seat of our pants. We do not know enough about what the exotic, long-term effects of radiation may be.

Another question involved here is action by citizen challenge which, since the passage of the National Environmental Policy Act, has been a very significant part of our total environmental effort.

There have been suggestions that the AEC should be totally and absolutely granted the right to bring these plants on line, over anyone's protest. That position was rejected out of hand by the Joint Committee on Atomic Energy, because it recognized that citizen participation is an important safeguard in our total environmental effort, not the least of which is citizen monitoring of our total energy output, and particularly

atomic energy. The earlier bills would have extinguished the right of citizens to challenge an application for licensing for temporary rather than permanent licensing.

We are going to shortcut that procedure because the risks are different. We are going to codify it so we can do it but so that everybody knows what the rules are, and we are going to say that we are going to leave it to the Atomic Energy Commission to determine whether there is or not a real effect. If it is determined there may be, there can be a hearing, there are rules and regulations, and statutory rights that govern. Even if the Commission says, "No, it is hogwash," the judgment of the Atomic Energy Commission can be challenged for failing to grant the full range of hearings. These are the protections we have provided.

The more technical aspects of protection of the environment, thermal pollution, effects of low-level radiation, are matters not touched by the bill. They are subject to another inquiry.

Mr. PASTORE. Would the Senator be willing to change his term "short circuit" to "shortcut"? I do not like the term "short circuit" at this time.

Mr. BAKER. Not when we are dealing with the energy field.

Mr. HUGHES. The Senator from Rhode Island and the Senator from Tennessee are saying that the public is adequately protected against dangers that might be incurred. In addition, they intend to continually oversee through the AEC any hazardous factors that may arise during the time of the temporary licensing period, and they are both assured, and are assuring the public, that every precaution that can be taken and every assurance that can be given under the known circumstances to date have been given under this procedure?

Mr. BAKER. If the Senator will yield, yes, that is correct. I want to take this opportunity on the floor of the Senate to say that I commend the AEC and its staff for undertaking voluntarily and very comprehensively a reevaluation of the inherent safety of nuclear reactors, especially the emergency techniques for controlling reactors in emergency situations. So the AEC has done something about it and promises, by its action, to do even more. So not only is the AEC requiring the continuing monitoring during the interim procedures, but I think we ought to be reassured that within the AEC it will continue its evaluation of the internal techniques, of the internal structuring of the AEC itself, of the independent authority there is within the AEC which is responsible for nuclear safety, of a heightened awareness of the environmental concern vis-a-vis the rulemaking of the AEC.

Altogether I think AEC has shown every good faith to continue monitoring of these plants sufficient to justify our granting authority for these temporary permits.

Mr. HUGHES. I thank the Senator from Tennessee. I know he and the Senator from Rhode Island understand better than most the fears of some people in the immediate areas, as well as of those organizations who want to continue alltime oversight on projects such as these. I have had letters from both sides, some wanting approval, some who are concerned over temporary licensing. I do think we have received from the distinguished chairman and the distinguished ranking Republican member adequate assurances with respect to the precautions that have been exercised. That was the purpose in the Senator from Iowa's asking the question. I do intend to support the legislation.

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

Mr. HUGHES. I yield.

Mr. ANDERSON. I want to say that the Senator from Rhode Island has been in attendance in every session with the Senator from New Mexico when he has been there. He is an extremely competent man and is interested in the protection and welfare of the public. I want to thank him and the Senator from Tennessee.

Mr. HUGHES. I thank the distinguished Senator from New Mexico.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I rise only to ask unanimous consent that, because of the absence of the Senator from Vermont (Mr. AIKEN), there may be printed at the appropriate place in the RECORD a statement he had prepared in support of this bill.

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

STATEMENT BY SENATOR AIKEN

S. 3543 is an emergency measure designed to head off potential energy shortages in several areas of the Nation including New England.

The New England situation is even more acute since the pumped storage disaster at Northfield, Mass.

The Northeast Utilities plant there was scheduled to go on the line very soon to produce one million kilowatts of peaking power before next spring. However, this will now be delayed. The authority under S. 3543 would immediately be available for 15 nuclear powerplants that are now constructed but not in operation because of licensing and other delays. These plants are located in areas where energy requirements are in short supply during the expected summer and winter peak power periods. The power shortage crisis is a serious matter in this Nation and this is an emergency measure to meet an emergency situation.

Under S. 3543 the Atomic Energy Commission could issue a temporary license for power production while the Commission was considering the issue of whether to grant a permanent operating license.

The temporary license could not be issued unless the Atomic Energy Commission determined, for purposes of the temporary operation, that operation of the nuclear powerplant would be safe to the public and there were adequate provisions for safeguarding the environment.

The issuance of a temporary license would not deprive the public of a full review of the health, safety and environmental questions that might be contested in the regular operating license proceedings.

The issuing of this temporary license would not prejudice in any way the rights of the parties in these hearings.

The new authority provides a practical way to use the electrical energy sources that we have available to meet emergency electrical energy requirements.

If, in the judgment of the Commission, the affidavits filed by interested parties to the proceeding raise a substantial issue of material fact which must be considered for purposes of the temporary operating licensing findings, the Commission would provide an opportunity for the presentation of evidence on such an issue under expedited procedures deemed appropriate by the Commission. If in the judgment of the Commission the affidavits do not raise a substantial issue of material fact in connection with the proposed temporary operating license, the Commission is authorized to issue the license. The legislation requires that the decision or document authorizing issuance of any temporary operating license recite specifically the reasons justifying the issuance.

S. 3543 is sound legislation which gives balanced treatment to the significant factors involved in emergency energy shortage licensing situations. I support the bill and urge that it be passed.

The PRESIDING OFFICER. Who yields time?

The bill is open to amendment.

If there be no amendment——

Mr. PASTORE. Mr. President, I understood the Senator from Pennsylvania (Mr. SCHWEIKER) had an amendment.

Mr. SCHWEIKER. Mr. President, I do. I did not know whether the Senator wanted to yield any more of his time.

Mr. PASTORE. No. The Senator may offer his amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish recognition?

Mr. SCHWEIKER. I do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

The Chair would inquire if this is the amendment on which there is a limitation of 1 hour.

Mr. SCHWEIKER. Yes, that is the amendment. It is amendment No. 1197.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. SCHWEIKER'S amendment (No. 1197) is as follows:

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 United States 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 not 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 States 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 $2,000,000 for the fiscal year ending June 30, 1973, $2,000,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. STAFFORD), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of this amendment.

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

Mr. SCHWEIKER. Mr. President, copies of this amendment and a summary sheet explaining its basic provisions are on the desks of the Senators.

Mr. President, this amendment would permit individual States to set their own standards for the regulation of radioactive discharges to the environment from nuclear powerplants, as long as the State's standards are more strict than the Federal standards.

Within the last few weeks, the U.S. Supreme Court affirmed the lower court's decision in the case of Northern States against Minnesota. This legislation confirmed that the Federal Government has preempted the ability of individual States to set pollution control regulations on nuclear powerplants which are stricter than Federal regulations. I think this decision is a correct interpretation under existing Federal law, and there was never really any doubt as to the outcome of the case.

On June 10, 1971, I introduced S. 2050, which would amend the Atomic Energy Act of 1954 to permit individual States to set their own standards for the regulation of radioactive discharges to the environment for nuclear powerplants, as long as the State's standards were stricter than the Federal standards. If the States feel, as Minnesota did in this case, that tougher standards are necessary to protect their citizens, they should have the authority to act.

The Atomic Energy Act of 1954 currently provides that the Atomic Energy Commission can enter into agreements with State governments providing for the discontinuance of the regulatory authority of the Commission and the assumption of such authority by the States, with regard to certain types of nuclear materials. The Commission is required to enter into such an agreement with any State if the State has a program for the control of radiation hazards adequate to protect the public health and safety of its citizens and the Commission finds that the State's program is compatible with the program of the Atomic Energy Commission. In essence, the language in the law which currently requires that the State program be "compatible with" the Commission's program results in a situation where the State regulations are equivalent to the Federal regulations.

My amendment would permit the Atomic Energy Commission to enter into an agreement with a State which would allow the State to regulate radioactive discharges to the environment by licensees of the AEC so long as the State program is no less restrictive than the Federal program. The Atomic Energy Commission would be required to enter into the agreement with the State if the State's standards are tougher than the Federal standards and, of course, if the Commission finds that the State program is adequate to protect the public health and safety of the citizens of the State. In addition, my amendment would continue to permit coordination of State and Federal programs for the protection of the public against radiation hazards.

Second, this amendment would also authorize the Administrator of the Environmental Protection Agency to make grants to individual States to pay a Federal share of up to one-half of the costs of State programs to set up monitoring systems to evaluate radiation emissions. I believe the States have a responsibility to determine the amount of radioactive material which is emitted from nuclear powerplants.

EPA would be permitted to make grants not exceeding 50 percent of the total cost of setting up and maintaining State monitoring programs—$2 million per year for fiscal year 1973, 1974, and 1975 is authorized in the amendment.

It is clear that the States, under the 10th amendment to the Constitution, have a responsibility to protect the health and safety of their citizens. It seems to me that it is entirely appropriate to permit individual States to make their own judgments as to the safety of nuclear powerplants and the effect which radioactive emissions will have on the health and safety of the citizens of a particular State, particularly when they are not permitted to lower the standards in making such decisions.

Most of the power which is produced by nuclear powerplants is used in the particular State where the nuclear power is located. In fact, one of the arguments used by the utilities for locating nuclear powerplants near major metropolitan areas is that it is too expensive to transport electricity long distances to make it economical to locate nuclear powerplants in relatively unpopulated areas. Thus, the States have a vital interest in the safety of these plants and the States should be in a position to impose stricter standards as long as minimum Federal standards are met. Atomic Energy Commission standards have general application, but special or unique circumstances within a particular State need recognition and the individual States are in a better position than the Federal Government to make such an evaluation. That is not going to be unusual, under the ensuing program that we are authorizing here today—and I want to make it clear that I favor this bill. I am in accord with the thrust of it. I acknowledge the need, and I think we should move in this direction. My amendment is not in any way designed to alter that course, and does not in any way interfere with or block the temporary licenses.

This is in accord with the general thrust of what the distinguished Senator from Rhode Island and his committee are trying to do. But I do think it is important, where we have major metropolitan areas, that the States, with many millions of people, where at issue is safety against the accidental use of atomic energy in some unfortunate way which would vastly affect the lives, health, and safety of the people who live in that State and that metropolitan area, ought to have some input, some control over the people's very lives, in the place of setting up these standards solely by the Federal authority here in Washington.

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

Mr. SCHWEIKER. I yield.

Mr. PASTORE. Of course, the fact remains that the power to build is still with the States. I do not know of any nuclear plant that is very close to any very congested area. I do not think the States would allow it, and I do not think the communities would tolerate it under zoning procedures. They have got to get permission of the State to build it in the first place.

Insofar as jurisdiction under the water quality amendments, the States still have that. This amendment has to do only with radiation.

We have spent millions and millions of dollars to develop the expertise. All we are saying here is, if we go along with the Senator from Pennsylvania, we might have 50 different standards in 50 different States, and that would only cause confusion.

The Senator goes on to say, "if they are more strict than the national standards."

Why should they be more strict? Why should not the national regulations be such that they properly protect the public health? Beyond that, you do not have to go any farther, unless you wish to go so far as to say, "We are going to use this process to negate the development of atomic reactors."

The point I am making is that we are interested in public health and protecting the public on the matter of radiation, and that is the thing we retained. Mr. President, we retained it for only one

reason: Because the Federal Government has the expertise. What they are saying in this amendment is, "You make grants to the States and let them develop the expertise." Do you know how long that would take? Do you know how much it would endanger public health if you went that route?

This proposal was introduced as a bill last time, and the committee did hold hearings. I thing we ought to review our actions. We ought to hold further hearings and perhaps have the Senator from Pennsylvania come before us again. We were waiting for that court decision, and finally the court sustained the Commission by saying that it was preempted under the law by the Federal Government, and I think that was a wise thing to do.

No one in the United States knows more about radiation than the experts in the Federal Government.

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

Mr. PASTORE. I do not have the floor. I would hope that that would be taken out of my time.

Mr. BAKER. On that point, not charged against the time of the Senator from Pennsylvania.

Mr. SCHWEIKER. I yield, on that basis.

Mr. BAKER. Mr. President, I have always fought for maximum State involvement and maximum local control in environmental matters, both in the joint committee and other committees involved with the situation. But with radiation, with nuclear energy, we have a little different situation. Thermal pollution may be one thing in Michigan and another thing in Tennessee, depending upon many factors—how big a body of water is, how fast it flows, and what the climate is like. But that is not so with atomic energy. The level of radiation or radioactivity is the same at the North Pole as it is at the South Pole. It seems to me that one of the major arguments on which we have maximum diversity disappears with respect to the uniformity in the case of nuclear energy.

I am fully sympathetic to the position that the Senator from Pennsylvania espouses. I find myself espousing his position more often than not. But I find myself in disagreement with him on this point.

We have fought long and hard in the joint committee to try to expedite the procedure for bringing 15 nuclear powerplants on line. I think we have a good bill. But when we break it up now and create 50 jurisdictional agencies that will have to pass on nuclear safety, we are going to create endless delay not only in terms of a power shortage this summer but also for many months to come.

I concur—as I find myself doing frequently today—with the Senator from Rhode Island's appraisal of this situation. I express my regret to the Senator from Pennsylvania that I must oppose this amendment.

Mr. SCHWEIKER. Mr. President, I should like to address myself to the remarks of the distinguished Senator from Rhode Island, and I think this emphasizes the point I am trying to make.

I think that he and the AEC are not aware of some of the ramifications of what has happened to the present program. With respect to permitting nuclear plants to get near metropolitan areas, I invite the Senator to come to Pennsylvania. At Limerick, Pa., a few miles from my home, they are going to build a nuclear plant, and at Newbold Island. These are two nuclear plants within 25 miles of a metropolitan area that has 4 million people.

So I say, with all respect, that the Senator is not informed as to what is happening at the grass roots level. One-third of the State of Pennsylvania is being subjected to two nuclear plants. We are right in the middle of it. We could not get much closer unless they built it on top of William Penn's statue in Philadelphia. That is the point.

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

Mr. SCHWEIKER. I yield.

Mr. PASTORE. Who grants the zoning permit? The AEC does not grant it. You cannot build anything any place unless you get a local permit. Apparently, the city fathers or the State fathers in Pennsylvania have more or less gone along with the idea. That has nothing to do with the Atomic Energy Commission.

The point I am making is that one cannot even build a porch on his house unless he gets a permit to do it. How can anyone build a nuclear plant unless he gets a permit? Who gives that permit? Either the city or the State. That is the point I am making. The plant cannot be put any place unless the people there say it should go there. The Senator's criticism is against his city fathers.

Mr. SCHWEIKER. Let me say, in response to the Senator, that in the two cases I am talking about, permits have not been issued as yet. Yet, the construction is underway. I will be glad to show the Senator the site. Construction is underway, and nothing has been issued, because the company is gambling on the fact that the AEC is going to give it a permit and that the local people will give it a permit.

So far as zoning permits are concerned, I do not think the local people really have the expertise to pass judgment on whether it is a safe radiological facility. So I do not concur with the Senator on that.

I do want to point out that Pennsylvania is slated for 16 nuclear power plants. One-third of these are in the Philadelphia metropolitan area, with 4 million people. So there is a serious problem, and the AEC issues the license.

I want to respond to another point. The Senator from Tennessee asked why we should allow 50 subareas to have standards. I say that we do it now under the Clean Air Act. That is exactly what we do. My amendment would do exactly what the Clean Air Act does, which is to let a State set a proper standard for clean air. There is the precedent and the principle. Radiation hazards are a far more serious danger to people than air hazards are. So why the double standard? If it is good enough for the Clean Air Act, why is it not good enough for atomic radiation?

Mr. PASTORE. That is exactly the reason why it was retained in radiation—there is not the expertise locally in order to administer any standards that are set.

Does the Senator realize how many people have been jeopardized by going to dentists and having X-rays taken of their mouths? In many instances, the person was not trained to do it.

We are trying to use the tremendous amount of money that has been spent by the Federal Government to develop this expertise, to give protection to the people. That is exactly what we are trying to do.

I do not know how many nuclear plants are going to be built in Pennsylvania. Perhaps they are necessary, and perhaps they are not. But I hope that the Senator is not taking the position that we ought to do away with nuclear plants entirely.

Mr. BAKER. Mr. President, will the Senator yield on my time?

Mr. SCHWEIKER. I yield.

Mr. BAKER. I have two things to say in the response to the remarks by the Senator from Pennsylvania.

As to his remarks that the two plants to which he refers in Pennsylvania had no permit at all, I do not know the details of that; but I would be surprised if one of two things did not happen: Either there was a construction permit issued by the Atomic Energy Commission or there was a waiver under part 50 of the Commission's regulations. One way or the other, I would predict that that occurred.

Mr. SCHWEIKER. This is not the case. This is the gripe of our citizens there. The AEC says that the company is going ahead on its own risk, and they are bulldozing and cleaning the land.

Mr. BAKER. Bulldozing and cleaning land is not the same as building a nuclear powerplant.

Mr. SCHWEIKER. They have millions and millions of dollars invested.

Mr. BAKER. That is not a nuclear powerplant, if they are bulldozing land. I am talking about construction of any aspect of the nuclear powerplant which has to be done under a construction permit.

Mr. PASTORE. But the construction permit has not been granted in this case. Anybody in Pennsylvania who has started to build something without first getting a permit is doing it at his own risk.

The PRESIDING OFFICER. The Chair reminds the Senator from Pennsylvania that he controls half the time and the Senator from Rhode Island controls the other half, and the Senator from Tennessee does not have time during debate on this amendment.

Mr. BAKER. It is my understanding that the time I used was coming from those in opposition to the amendment.

The PRESIDING OFFICER. The Chair will so rule.

Mr. PASTORE. That is correct. I grant to the Senator from Tennessee any time he desires.

Mr. BAKER. With respect to the second point, the question raised by the Senator from Pennsylvania as to why the double standard, that is the point I tried

to touch in my previous reply. It really is a double standard—I make no bones about that—because they are two different problems. The Senator asks why there should be one situation for the Clean Air Amendments of 1970 and another for the AEC. Because, in a careful consideration of the situation in the various regions of the United States, we felt, for example, that the air in Nevada was vastly different, as a meteorological situation, from the air in the Los Angeles Basin. There is no likelihood that there ever will be clean air in that area, unless we have local implementing standards for air pollution that are extremely rigid and more rigid than in other parts of the country. That is why we built some flexibility into the air act so that California could require the so-called California package on new automobiles, which exceeded at that time the air pollution control devices required for cars sold in any other part of the country. That is not the case with the radiological situation. Once again, the low level of radioactivity is the same in the Los Angeles Basin as at Lake Tahoe. They are two completely different things.

My reply to the Senator is, if we had it, if we wanted it, we would have put it in the air act, but that is not practical because of the varying situations. That is the reason for the distinction.

Mr. SCHWEIKER. I should like to respond to the two Senators in regard to the expertise question. In my amendment, I have allowed for that. Granted, there is a limited expertise here, so I fairly wrote into my amendment that the AEC shall judge, when a State comes up with an exemption, with a tougher standard than the Federal Government, the AEC shall make their judgment, that determination. I am giving them the expertise and the decisionmaking authority for that. My amendment specifically provides that such a State program must be adequate to protect the public health and safety, and be at least as restrictive as the AEC national requirement. I could not be fairer than that. That throws the expertise where it is.

In response to the question that we have done it in the Clean Air Act but do not do it for radiation because of the greater variances, all I can say is there are no greater variances than exceed the atomic radiation, such as geological conditions. I would not build a plant over a fault or underground that had earthquakes, such as in California, which would be a great hazard. Those are local conditions. Then they say that we should look into them and build no plant over the San Andreas Fault. That is a logical thing to say.

Then we look into the water supply to see if the water supply can handle the thermal pollution problem in a specific area. Also wind conditions—whatever the wind conditions might be, what rate of speed, and so forth, because of the danger of clouds or some kind of nuclear plant not dispersing in a theoretical way as it should, but hanging into a smog condition, and rendering the area in an unsafe condition. There are a number of other local conditions like the Clean Air Act that should be considered.

Mr. PASTORE. The amendment has nothing to do with this. He is talking about a design for a reactor, not standards of radiation but the design of a reactor. These things have to be taken into account at the time the construction permit is granted. The people most knowledgeable are those who have the best minds in the country on the subject and have been employed by the AEC.

What the Senator from Rhode Island is saying is: Once we have set standards, no matter what they are, who will implement them; who will make sure they will live up to them? The best minds in this country, with the expertise to make sure that the standards are being complied with, are those people now employed by the Federal Government.

Mr. SCHWEIKER. I am giving that decisionmaking power in my amendment. That is my very point, to let the AEC decide it.

Mr. PASTORE. No, the Senator is not. The Senator is not. The Senator is allowing a grant to be made to the States so that they can develop the expertise. The Senator is doing it over again. The Senator is granting Federal money in order to help the States to develop their expertise, an expertise we have already. We already have it. That is what the Senator's amendment says, that a grant shall be made by the environmental agency not to exceed 50 percent in order to develop the State agency that they would need in order to implement the standards the Senator is talking about. What the Senator is doing is to do it twice, and wasting money.

Mr. SCHWEIKER. The Senator is either misunderstanding or distorting the purpose of my amendment. It has two sections to it. They are not directly linked but they are related. The AEC, under my amendment, has the sole power to decide whether a State standard is as strict as health and safety conditions. It is right in the AEC, where you fellows argue it should be. That is where it is.

Mr. PASTORE. Well, if you can trust the Federal Government halfway why not trust it the whole way?

Mr. SCHWEIKER. Because they are not taking into account local situations, local conditions, and local variations.

Mr. PASTORE. They have to do that when they determine whether the standards comply with the Federal regulations.

Mr. SCHWEIKER. Then why not do it for the Clean Air Act?

Mr. PASTORE. Because the air is different in every State. The Senator from Tennessee brought that out. Surely the air over Pittsburgh is a little different from the air over some little towns in Pennsylvania.

Mr. SCHWEIKER. The air that blows the radioactive particles is as different as the Senator said, and it blows over to the next town or the next population area. It is the air that carries the radiation particles. That is the point I am getting at.

Mr. PASTORE. The best people who are in the Federal Government can tell the Senator why that is happening. That is all I am saying. The Senator cannot find that expertise in Pennsylvania, unless he comes and takes someone out of the Federal Government.

Mr. SCHWEIKER. There are a number of people who are not in the Federal Government, I might suggest, who have some expertise, who used to be with the Federal Government and take issue with the Federal Government, who have worked with the Federal Government, and who disagree with the Federal Government. The Senator will surely acknowledge that that is what the controversy is all about. The Senator's own people who used to work with the program are objecting to the program, saying it is not safe or it is inadequate. They are the people you created. They are taking issue. They are your own experts, you see.

Mr. PASTORE. Does the Senator believe that the State should regulate radiation rather than the Federal Government?

Mr. SCHWEIKER. They disagree that the Federal standards are adequate today, that they are safe. That is what they are saying, the people who got their start under the AEC.

Mr. PASTORE. Then why does the Senator leave it up to the Federal Government that State regulations go beyond Federal regulations?

Mr. SCHWEIKER. Because we are giving them a restricted judgment as to when a State meets tougher standards. They have two options.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. MONDALE. I am a cosponsor of the amendment offered by the distinguished Senator from Pennsylvania. Many individual States set their own standards for the regulation of radioactive discharges. The key case involves the case of the State of Minnesota, where we felt the Atomic Energy Commission had not been adequately concerned about the danger involved in some of the nuclear plants and, in our opinion, it established standards which risked the health and safety of the people of Minnesota. We assembled an array of gifted scientists and specialists. This was the view taken by the leadership, almost throughout the State government of Minnesota, of both parties, and it was rather widely believed that the Atomic Energy Commission was not adequately protecting the citizens of Minnesota pursuant to their standards and, thus, Minnesota tried to establish standards that it thought would adequately protect its citizens. Those standards were bitterly opposed by the Atomic Energy Commission. We thought we were right, but as the Senator knows, the case went to the Supreme Court—United States against Minnesota—the right of Minnesota to assert what we thought necessary to protect the public health of the State, which was held to be preempted by Federal regulations.

As I understand it, we need the amendment offered by the Senator from Pennsylvania if we are going to be able, in our State, to do so.

Mr. SCHWEIKER. That is correct. I might say to the Senator that the legal people who carry the State concur in the

judgment that it will give relief in a case exactly like the Minnesota case.

Mr. MONDALE. That is correct. The Governor of my State feels strongly that we need this in order to protect the health of the citizens of the State of Minnesota. We have a competent staff of specialists who feel the same way about it.

I am hopeful that the amendment of the Senator from Pennsylvania will be adopted.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Minnesota for his comments.

Mr. President, I should like to read into the RECORD the fact that there are 13 States which have already indicated they want to have the ability to apply their own standards for nuclear plants.

The following States have filed a friend of the court brief in the Minnesota case:

Illinois, Kansas, Maryland, Michigan, Missouri, Pennsylvania, Vermont, Virginia, and Wisconsin.

So, there is a need here. There is a need for a remedy. I might say that the Southern Governors Conference filed a brief on behalf of the States of:

Arkansas, Delaware, Mississippi, and West Virginia.

We have not only the environmental issue, but we also have the States' rights issue here. I see no reason to run roughshod over their feelings. If they have a good case, if they develop as the Senator from Rhode Island thinks, then what is wrong with trying to protect safety? We are dealing with nuclear energy, energy that has blown people to bits. What is wrong about being a little prudent? What is wrong about going a little slower than the committee wants to go?

I think that we need nuclear energy. I think it is the way to the future. However, I see no reason for rushing into something without providing some remedy, particularly when the States are concerned that it might affect the health and safety of the people. The health and safety of the people would be more protected with my amendment in the bill than they would be without the amendment.

If we were going at it the other way, I would agree with the Senator. However, I cannot understand why radiation from these plants is not given the same respect with regard to the health and safety of people as air pollution is. The ramifications are far more serious than those of air pollution.

Mr. BAKER. Mr. President, if the Senator will yield on my time, the Senator once again referred to the Clean Air Act and the Clean Air Amendments of 1970. As a member of the Air and Water Pollution Subcommittee of the Committee on Public Works, I was instrumental in helping to form and write the bill. I think there is an analogy that escapes the Senator from Pennsylvania as he continually refers to the clean air amendments. That is that we did in fact provide criteria for differences in variations, and not only permitted but also mandated these in the several parts of the Nation.

However, in the case of automobiles, to which the Senator from Pennsylvania has referred, we preempted the field and we said that the Federal Government will set the only standards for automobiles and no one else will do so, except in the case of California, and that only temporarily.

If we talk about building a nuclear powerplant, let us do it in the way we do it in the clean air amendments. That is what we do, and I think that what the Senator from Pennsylvania proposes would undo it.

Mr. SCHWEIKER. Mr. President, in response to my good friend, the Senator from Tennessee, automobiles are marketed all over the country and they travel all over the country. A nuclear powerplant is located in one specific local area with certain wind conditions, certain geological underground conditions, and certain factors relating to air, water, and oil pollution. And the safety of people is affected by automobiles which drive from one end of the country to another. I do not agree with the analogy of the Senator from Tennessee.

Mr. GOLDWATER. Mr. President, would the Senator yield for a technical point. I am not sure which way I will vote.

Mr. SCHWEIKER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to ask the Senator from Rhode Island this question. We are talking about the danger of emissions from nuclear powerplants. The only one that I am acquainted with is the one in California. It is located about 4,000 yards south of the President's house. Nothing has happened since that has been put there.

There was a fear that the fishing might be affected. However, it is as good as it ever was. The temperature of the water has not changed.

Has the Senator run into the question of any emissions from nuclear powerplants that could be airborne?

Mr. PASTORE. I could not answer that question categorically. I do not know of any myself. However, I would not be a bit surprised if they did have problems somewhere. In every instance, of course, there has been a very speedy correction of the involvement by the Federal authorities.

All I can say to my distinguished colleague, the Senator from Arizona, is that we have been in this nuclear field since 1945 when that bomb went off, when they tested it in the Flats. And I do not know of any incidents so far that would not indicate to me that we do not have about the best safety record of any industry in the country.

We never heard much of this until we got into this question of the ecology and the environment. I think it is a good thing. However, to answer the question directly, I know that we have had thermal problems, even with thermal plants, where the temperature of the water has been raised. However, insofar as the emission of radiation that has affected people. I do not know of any.

Mr. GOLDWATER. Mr. President, the reason I ask the question is that I think it is pertinent and I apologize to the Senator from Pennsylvania for interrupting. However, I have had the feeling that the American people have been so frightened at the words "nuclear" and "atomic" that they cannot realize that all future power will be developed either by the present methods of fusion or some other devices that we have not fully explored yet.

If there were any danger of emissions into the air, it would be one thing. I have not heard of any. However, if there is no danger of emission from these plants, I cannot see why the States would feel so keenly that they would like to have authority over them. In fact, I would like to have some atomic reactors in the State of Arizona. I do not think we would be asking to control it there.

Mr. PASTORE. Mr. President, as the Senator points out, we have to be careful where we put them. I would not put one down on Pennsylvania Avenue. I would not expect that, and no one expects to do that. However, we are going to have a shortage of energy in this country unless we do something. Our oil supply will run out. It has been estimated that by the turn of the century, half of the electricity will have to be supplied by nuclear energy. We double our demands for electric energy every 10 years. Our people need more and more of it. We will have to do something about it.

If we go to coal, we will have problems. If we go to nuclear energy, we will have some problem. However, we need not worry that the environment and the health of the people will not be protected. We have what is known as the Price-Anderson Act in which the Government guarantees injured third parties up to $500 million. We have not paid a dime under that guarantee.

Mr. GOLDWATER. Mr. President, I thank the Senator for yielding to me.

Mr. SCHWEIKER. Mr. President, I am also concerned about the often criticized lack of responsiveness of Federal authorities to citizens' concerns. Many citizen groups in the Commonwealth of Pennsylvania have contacted me to express their serious concern about nuclear plants in my State.

I would like to point out that we have 16 plants planned there. We are in the eye of the storm. We are a nuclear guinea pig. It seems to me that, that being the kind of state in which we live, we ought to have some way of having remedies. That is what my amendment does.

Federal authorities are not as responsive as they should be to these concerns, and I believe that State regulatory authorities, being closer to the citizens, will be in a better position to evaluate and respond to citizen comments about nuclear powerplants. In addition, this amendment would follow the principles laid down by the Nixon administration which indicate the President's desire to return more governing authority to the individual States.

At the present time there is great controversy over the biologic and genetic effects of low-level dosages of radiation. There is substantial disagreement as to the impact which such radiation emissions have on human and plant life.

Scientists cannot agree. I do not know the answer. However, we know that when

leading scientists cannot agree, we ought to have some study and some degree of remedy for States which feel that they will be affected. Much more study and debate is necessary, because I do not believe that satisfactory answers have yet been provided. It is interesting to note in this regard, however, that so-called zero-release reactors can be built. In fact, a zero-release reactor has been operating in Antarctica since 1962. This reactor, the PM–3A, is a small one, with an output of 1.5 megawatts. International treaties prohibiting the release of radiation into the Antarctic environment made it imperative that a zero-release reactor be designed for this area, and it has been operating successfully for 9 years.

In view of the tremendous impact which the large number of plants may have on the environment, I believe it is essential that the amendment which I introduce today be enacted. Congress provided a clear precedent for this kind of legislation in section 109 of the Clean Air Act which passed in 1970. Section 109 provides that:

Nothing in this title shall prevent a State, political subdivision, intermunicipality or interstate agency from adopting standards and plans to implement an air quality program which will achieve a higher level of ambient air quality than approved by the Secretary.

This is exactly what I am doing here. An exemption for individual States to set more restrictive environmental standards is even more important in the nuclear area than it is with regard to air pollution.

With regard to the second half of my amendment, I would like to point out that the Commonwealth of Pennsylvania and the AEC, on November 5, 1970, signed a contract for a cooperative program of environmental radiation monitoring of nuclear powerplants in Pennsylvania. This is a pioneering agreement, the first of its kind. The purpose of the monitoring is to provide the AEC with timely independent information and data for: First, evaluating the normal background levels of radiation which exist naturally in Pennsylvania at those facilities which are under construction; second, determining the adequacy of controls being exercised over radioactive effluents and sources of radiation at operating facilities, and concentrations of radioactive materials in the offsite environment resulting from operation of the facilities; and third, determining the potential radiation exposure to the public attributable to facility operations.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I am delighted that the Commonwealth of Pennsylvania and the Atomic Energy Commission have joined hands in setting up this kind of program, and I believe that other States should also be in a position to set up similar programs with Federal financial assistance.

Mr. President, in conclusion I wish to say I am in accord with the principles of the bill. I will support the bill. I recognize the need. But I say there is no reason not to do it the way we elected to do it in the Clean Air Act and give the States some options. I do not think that would hamstring the program and it would create a feeling about nuclear energy in this country and go a long way toward creating a better relationship between nuclear power and the people. Mr. President, that is what my amendment would do.

Mr. BAKER. Mr. President, at the request of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that a statement by him in opposition to the Schweiker amendment be printed in the RECORD.

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

STATEMENT BY SENATOR BENNETT

The Senator from Pennsylvania has offered an amendment which is essentially the same as the bill S. 2050 which he introduced last June and which is now pending before the Joint Committee on Atomic Energy. The amendment would provide for authority for the States to regulate radioactive discharges from licensed nuclear facilities which are under the regulatory control of the Atomic Energy Commission and it would provide for funding to be administered by the Environmental Protection Agency to provide financial resources to States in developing or improving their organizations to carry out this expanded authority.

The question of Federal-State jurisdiction to regulate radioactive releases to the environment is one which has received a great deal of attention by the Joint Committee particularly in recent years. In addition to the Senator's bill, there are six other bills pending before the Committee relating to the same subject matter. All seven bills were the subject of hearings held by the Joint Committee last June and July at which time the Senator presented his statement for inclusion in the record. Those hearings have been printed in a two-volume set entitled "AEC Licensing Procedure and Related Legislation" June and July 1971.

In addition, the question of the appropriate role of the States within the authority of the Atomic Energy Act to share with the AEC the responsibility for such regulation has been the subject of court action between the State of Minnesota and the Northern States Power Company. On April 3, 1972, the United States Supreme Court, in a summary decision, affirmed the decision of the United States Court of Appeals to the effect that Congress through the Atomic Energy Act of 1954, had preempted the authority to regulate radiological discharges from AEC-licensed nuclear facilities to the Federal Government and that the States had no authority to regulate in that field beyond the authority delegated to the States pursuant to an agreement with the Atomic Energy Commission. In effect, therefore, the amendment seeks to overturn the decision of the Supreme Court in interpreting the Atomic Energy Act wherein the Congress clearly expressed its intent that this regulatory authority should be preempted to the Federal Government.

As I indicated, bills relating to the same subject matter have been the subject of hearings by the Joint Committee. As was developed in the hearings, it is very important for reasons of safety to provide uniform standards for reactors. This, of course, is provided for by the performance of the regulatory function by the Federal Government. Power reactors are very complex and setting of any regulation concerning a limitation on an effluent, for example, can result in many cases in numerous and significant design changes in a plant. Such changes can, in certain cases, result in a less safe plant. Accordingly, it is not desirable for each state to come up with its own specifications which could adversely affect the design or operation of a plant. At present the five reactor designers have developed nuclear power plants which have received the same regulatory review by the same Federal organization—the AEC—to assure a safely designed plant.

As far as radioactive effluents are concerned, the plants are reviewed to assure compliance with the "as low as practical" release limits which have recently been established and, therefore, in this particular respect, by definition, any further decrease is not practical. In its regulatory review the AEC has the opportunity to consider all reactor designs and apply the lessons learned or developed across the spectrum of reactor designs to all plants.

Only when one combines a function such as this, can one practically assemble the highly specialized staff which is needed in such a regulatory function. The AEC has nearly a thousand people in its regulatory operation. No individual state could justify the assembly of such a staff of experts to perform the critical regulation and safety function.

Since reactors involve such a new and complex technology there is a basic limitation on the numbers of specially trained people in the various fields. This is particularly true in the areas involving regulatory review which calls for knowledge of interactions of many elements of the design of the plant.

Under the present arrangements of Federal regulatory control, the talents of the highest qualified people are most efficiently utilized for reactor facilities across the nation. Such a system also permits an efficient utilization of the most talented people in the reactor design organization where all basic safety features must be initiated. These designers need only communicate with one central government agency responsible for standards and other regulatory matters in lieu of many uncoordinated regulatory groups.

If developments occur which change the situation, the Committee will look into the matter again. At present, however, in the interest of the safety in design and operation of power reactors, a change from the federal regulation of reactors is not warranted. I reiterate that this matter is too far reaching to be considered by way of an amendment without thorough evaluation of all aspects of the issue and the availability of a well-reasoned report to the Congress. Nothing less should suffice before Congress takes action to reverse its carefully considered position on the same issue almost twenty years ago.

Therefore, I urge that the amendment be rejected.

NATIONAL SCIENCE FOUNDATION

Mr. DOMINICK. Mr. President, the American Physical Society recently held its spring meeting here in Washington. This distinguished professional association, which had 59 members back in 1899—the year it was established, today represents over 29,000 of the Nation's physicists. The speaker at the society's banquet meeting was Dr. H. Guyford Stever, Director of the National Science Foundation, who himself holds a Ph. D. in physics from the California Institute of Technology.

As a member of the Senate authorization subcommittee for the National Science Foundation, I find Dr. Stever's message both reassuring and challenging. It is reassuring in its affirmation of the tremendously important role that science and scientists can have in the future quality of our society. In particular, Dr. Stever emphasizes the significance of basic research to the achievement of our Nation's goals and the clear intention of the National Science Foundation to continue its primary mission

of supporting this research. At the same time, he relishes today's challenges to science when, as never before, it is called upon to play many roles and make many contributions—balancing the need for ideas with the need for solutions, the need for power with the need for protecting our limited resources and our natural environment, to cite only a few.

Dr. Stever also raises the possibility that the "new" science he portrays could result in vastly changed predictions about the future need for scientists. This would cast quite a different light on the dispute that currently rages over whether we have a shortage or a surplus of scientific manpower.

Mr. President, I commend this speech to Members of the Senate and ask unanimous consent that it be printed in the RECORD.

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

PHYSICS—A WASHINGTON PERSPECTIVE

Dr. Morse, Award Winners, Distinguished Guests, Ladies and Gentlemen: When I accepted your kind invitation to speak before you this evening, I did so with pleasure at the prospect of renewing many old friendships and the hope of beginning new ones. Also, I felt that the physics community is likely to have more than a casual interest in a new Director of the NSF. Probably, a new Director doesn't become an old one until he gives a maiden talk before the American Physical Society.

Modern science, with physics as its cutting edge, has been a growing activity in society for centuries. With this lengthy history, one would imagine science, which has proved to be of such importance to mankind, would have settled down to a degree of stability far beyond that which seems to be apparent at this point in time. And yet, as all of you know, science—and physics in particular—has been undergoing a reappraisal in the past few years which seems to have shaken the faith of some in its role in society. I do not need to list all the transient events which go behind that statement, for all of you are well aware of them through direct experience as well as from reading the copious literature of science.

At your last two annual banquets, two of the most important of these problems were discussed by your speakers. In 1970 my predecessor, Dr. William D. McElroy, spoke about the changing attitudes toward science by society, and its demands for a more relevant application of science to some of society's problems. Last year, Dr. Edward E. David, Jr., the President's Science Adviser, focused heavily on the supply and demand for Ph.D. physicists.

The subjects of those two speeches, the demand of society for more relevant application of science, and the supply and demand for physics Ph.D.'s, are part of the larger issue of balance in scientific research and education—an issue brought on by two important trends. The first is the steadily awakening consciousness of the American people, as well as people all over the world, to the tremendous power of science and technology both for good and for evil. The second is the accompanying exponential growth of science in the last two to three decades. Since the National Science Foundation is in the thick of the discussions and arguments on this issue, I would like to give you some of the ideas which I have formed in my brief two and a half months in office.

First, let me speak to the attitudes of society toward science. Both as a university president and a scientist, I watched with close interest the development of these attitudes over the last five years or so. They were highlighted by the rejection of science by the counter-culture as an extreme expression of the concern of society about science. But there was also the more moderate but still serious views of society questioning the capability of science to move the nation toward newer goals.

I think that there is emerging from this period a reasonably healthy synthesis on which we can advance science and its role in society. What are the characteristics of the emerging synthesis? First, essential elements of the past are retained. This includes a recognition of the value of basic research and the need for scientific autonomy. As the Director of the National Science Foundation let me assure you that the NSF will continue to direct most of its efforts toward basic research. Another essential element of the past which has been retained relates to the key role of the universities, which will be as important in the future as in the past, though there may well be some different features.

The second characteristic of the synthesis is its direct orientation to national goals—particularly those of social viability, quality, and equality. The research concerned with these goals often is derivative in the sense of drawing upon the mathematical and physical sciences. Obviously, these fundamental sciences can only be more important than ever when tied so closely to national goals.

Because we are breaking new ground, a third characteristic of the synthesis relates to its probative nature. For example, the NSF has proposed an Experimental R&D Incentives Program to Congress. Through such a program, we hope to test incentives for increasing non-Federal investments in R&D and improving the conversion of R&D to new and improved products, processes, and services. If we succeed, it will represent a new dimension in the R&D role of the Federal Government.

Personally, I am glad that society has been reexamining its goals and is taking a much more acute interest in these many issues in which science is involved, including the environment, the supply of natural resources, and the uses of power. I think, if science applies its tremendous assets of knowledge, understanding, and concern wisely, it can in fact strengthen its position in society and regain the great respect it has enjoyed. More importantly, it could become a respect based on a sounder and healthier long-term relationship than that which prevailed following World War II, the period in which the NSF was born.

As the anti-science and anti-technology sentiments grew during recent years, I was concerned that we might not get the chance that we need to reestablish this confidence by society. Society might have gone the way of the counter-culture, as suggested by many, or it could have continued on exactly the previous course of more science, more technology, without the necessary restraints. But I am delighted with those newer developments which show that many people believe we will not be able to conquer the problems of our society without science. I am also pleased that many steps have been taken to affect developing technology and control it. Scientists have much to contribute toward influencing the direction of their work and its applications. In fact, they should be major contributors of ideas on how new research and technologies might head off potential problems as well as deal with those we now face.

I think it is to the great credit of physicists that they have played a leading role in this direction. It is a role played by many physicists over the past quarter century in helping society develop perspective on atomic energy. It is worth noting that it was a physicist, Harvey Brooks, who headed the National Academy of Sciences' study on technology assessment. When the National Science Foundation started its activities in problem-oriented research through a program called Interdisciplinary Research Relevant to Problems of Our Society, it was headed by a physicist. This program was converted and expanded to a new program called RANN—Research Applied to National Needs—which has been reasonably successful in its support of important new research using the abilities of many physicists. Of course, there are many others of you who have made contributions toward this type of effort.

An important indication of the continuing expression of confidence in science and dependence upon it can be seen in the President's special message on research and development, the first such message devoted exclusively to science and technology. This message calls for "a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of life." I hope we can build upon the Administration's expression of confidence that the world of basic research, particularly the academic world, is in fact producing new ideas which do apply to the emerging goals of the nation. And that some scientists in the academic world—not all, but some—will go the next step beyond basic research to start its application.

There is no question that this move toward applied and mission-oriented research has generated much concern in the world of science, at least in that part of it involved in basic research. While some of NSF's associates in the scientific community, the Congress, the Administration, and society as a whole are strongly in favor of the new initiatives, still others are deeply concerned that the NSF is diluting its efforts in basic research because of those initiatives.

Certainly, we all agree that the central mission of the National Science Foundation, which is the development of the total health of science in the country, is best carried out by directing most of its efforts toward basic research. That idea is not challenged in the Government, contrary to many public expressions or fears. Nor has anyone been able to show evidence that the NSF has been supporting these new missions at the expense of basic research. We have not—and we don't intend to. In fact, in the last three budget years, and hopefully next year, our basic research budget has steadily increased at a greater rate than the inflation which has beset all of our efforts. It is recognized that during this period, NSF had to take on support of some dropouts from mission agencies which reduced their efforts in certain lines of research. But we believe that the dropout effect is largely over.

The problem that the National Science Foundation faces now in the relationship between its primary mission of basic research and its newly established secondary mission of goal-oriented research is one of balance. Both basic and goal-oriented research lead to fundamental knowledge. Basic, or internally motivated research, may not necessarily, at a given point in time, provide all the fundamental knowledge needed to help solve important national problems. For this reason, we invest a small fraction of our budget, slightly more than ten percent, in goal-oriented research in the RANN program. This program differs from traditional research mainly in its external motivation and program design. Both lead to fundamental knowledge, both internal and external motivations are important for maximum effectiveness, and both must be balanced accordingly.

The National Science Foundation also faces other problems of balance. You may recall that from its beginning the National Science Foundation was heavily oriented toward the physical sciences, primarily because of the

strong voice in Government circles of the physical scientists who had contributed to the effort of World War II. As the years passed and the needs of society changed, emphasis on the life sciences, the social sciences, and the engineering sciences has been added. At this time, we have 12 different scientific fields into which we break up our primary activity supporting basic research in the universities. Each year we have the problem of balancing these fields. And factors such as future promise, evidence of research needs, and the dependence of society on basic ideas all interplay with one another as that balance is obtained. You know of the pressures developed within physics to receive more recognition by the NSF of physics' needs, opportunities and potential. I can assure you that each of the other disciplines has also developed analogous pressures. Let me say parenthetically, as one educated in physics, I am always interested to see how many of these 12 sciences either come from physics or are closely related and dependent on physics, especially through the route of basic laws, research techniques, and instrumentation.

At another time in the history of the National Science Foundation, work in the support of science education grew, and again a balancing problem arose—and still exists. But I am confident that the National Science Foundation—with a strong input from the National Science Board and the science community, from the Congress, and from the Administration—can tackle the balancing job which it has in front of it now. With reasonable equity, it can foster scientific research in its purest form, communicate useful science to the world, and develop the new science education so necessary to society today.

Not only can both basic and applied research grow, as they merit such growth, but success in each area of NSF effort will tend to support growth, and a demand for growth, in the other. Certainly this is true in the case of physics, which in addition to its basic ideas contributes so much to the applied sciences and technologies being called upon to solve our problems today. One has only to take a brief look at the NSF's Research Applied to National Needs program to see why and how this is true. For example, physics is involved in and must contribute to the energy research and technology being advanced by this program. It relates to the work in disaster and natural hazard research in numerous ways. It contributes to studies of environmental systems, both directly and indirectly, through innovation in instrumentation. It also plays important roles in research on urban systems and can contribute to our program of exploratory research and problem assessment. In addition to these examples, there are numerous other applied activities that bode well for physics—lasers, holography, opto-electronics, plasma physics—you know them well.

I would say that in light of today's broad research activities and needs, physicists have a great new opportunity to prove physics a Renaissance science able to play many roles and make many contributions in today's society. Perhaps we have lost sight of this in focusing too heavily and too narrowly on the problems of recent years—problems of transition and adjustment to new priorities. I do not play these problems down. They are real—and painful to many—but they should not cause us to lose our perspective or sense of purpose.

Now let me turn to another issue about which I commented earlier—that having to do with the supply of scientists, a matter which Dr. David took up last year. The National Science Foundation, with its support of graduate students, both through its research projects, fellowships and traineeships, and its support of science students at the undergraduate and high school level, has played a sustaining role. Still, only a fraction of the science students, in fact, have been assisted by the NSF; and there has been a cutback by NSF in recent years, caused primarily by the obvious lack of job availability, the under-utilization of scientists, and the belief by some that no field of study should be singled out for special support. The argument still rages hot and heavy on this. On the one hand, there are those who ask why we should stimulate a greater production of research scientists of the Ph.D. variety at a time when they are facing underemployment. On the other hand, the unemployment and underemployment may have been exaggerated; and this side of the argument clearly states the case that if our country is to utilize scientists in the solving of its emerging problems, it will certainly need more.

I have heard arguments on both sides, but for the life of me I don't think either case is yet complete. The various projections are heavily dependent on assumptions regarding the persistence of doctoral use patterns on the campus, industry, and Government. If these patterns change, and I believe the emerging "new" science described before will produce such change, then the predictions of shortage or surplus could be seriously in error. For these reasons, I believe that we should not perturb the system either way until the situation is more clear. I am convinced, however, that there is a very definite need for the field of science education to address the problem. Are we educating and motivating young scientists in the fields of science over the entire spectrum of activities in which scientists can play an important role? Are we doing so not only in research but in its application and in the teaching of science? What is the needed supply of researchers to man our educational institutions, our basic research institutions, and to solve the technical problems of society? And a broader question—how can we better teach nonscientists of all ages to understand the science and technology which is so vital a part of their lives?

An important aspect of this composite question concerns the universities themselves, as institutions which harbor and foster a great deal of the basic and applied science, as well as handling the education of the scientists. We all believe that education at the graduate level, and in some cases at the undergraduate level, is made better by its association with research; and we believe that research is aided greatly by the ideas that come from the young minds of the students. In the universities, we have tied research and education and the production of scientists all together. As society's needs change with respect to the numbers of scientists, does this mean that we limit research according to the need for students?

I rather suspect that we may find a situation growing in which we need far more basic research than can be done if our research is attached solely to the mechanism that produces Ph.D.'s. Does this mean a change in the ratio of Ph.D. candidates to professors and researchers, or does it mean that we start new institutions to do the kind of basic research that was formerly done in the universities?

These are questions very much worth pondering. And although I am strongly inclined to give universities first choice at the growth in basic research, there are clearly some voices in our society which are against it. As you know, a recommendation of Alan Pifer of the Carnegie Corporation, among others, is to limit carefully the amount of research done by universities exclusively to that directly related to education. I think we must address this question with the degree of wisdom that it deserves. We don't want to hurt our universities by forcing them to a pattern of too much research that diminishes their educational capability, and yet we do not want to diminish research which is important to that capability.

I have tried to tell you some of the things on my mind which might relate to your concerns and hopes as scientists and physicists. I realize I may have raised more questions than provided answers. But in a period of transition, this may be inevitable—and no one can claim to have all the answers today.

However, I do know that there *are* significant opportunities ahead for physics. There *are* challenges we must meet to extend our scientific knowledge and fill the needs of society.

Perhaps you feel I have stated the outlook for science and physics with guarded optimism. You are right. Nevertheless, it *is* optimism—and I believe there is reason for you to share it. I hope that you will—and that your work in the days ahead will justify that optimism and help it grow.

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

The PRESIDING OFFICER. All time is yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), the Senator from Montana (Mr. MANSFIELD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. CHILES) are absent on official business.

I further announce that if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea." On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from Connecticut (Mr. RIBICOFF).

If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Nevada would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "nay."

The result was announced—yeas 36, nays 41, as follows:

[No. 182 Leg.]

YEAS—36

Bellmon	Hatfield	Proxmire
Boggs	Hollings	Roth
Brooke	Hughes	Schweiker
Buckley	Jordan, Idaho	Scott
Byrd, Harry F., Jr.	Kennedy	Spong
Case	McGovern	Stafford
Church	McIntyre	Stevenson
Cooper	Metcalf	Thurmond
Cranston	Mondale	Tower
Griffin	Muskie	Tunney
Hart	Nelson	Williams
Hartke	Packwood	
	Percy	

NAYS—41

Allen	Eagleton	Miller
Allott	Ellender	Moss
Anderson	Fannin	Pastore
Baker	Fong	Pell
Beall	Fulbright	Randolph
Bentsen	Goldwater	Smith
Bible	Gurney	Sparkman
Brock	Hansen	Stennis
Burdick	Hruska	Symington
Byrd, Robert C.	Jackson	Taft
Cotton	Javits	Talmadge
Curtis	Long	Weicker
Dole	Magnuson	Young
Dominick	Mathias	

NOT VOTING—23

Aiken	Gambrell	McGee
Bayh	Gravel	Montoya
Bennett	Harris	Mundt
Cannon	Humphrey	Pearson
Chiles	Inouye	Ribicoff
Cook	Jordan, N.C.	Saxbe
Eastland	Mansfield	Stevens
Ervin	McClellan	

So Mr. SCHWEIKER's amendment (No. 1197) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, on May 4 of this year I spoke on the Senate floor on the subject "Environmental Lawsuits and the Power Crisis." I pointed out that in my capacity as chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I have been holding hearings for several weeks, and that a clear pattern emerges which disturbs me, particularly with respect to electric power.

During the week of April 17 there appeared before the subcommitee the heads of the three Federal agencies most directly involved in electric power matters: The Federal Power Commission, the Tennessee Valley Authority, and the Atomic Energy Commission. All agreed that the country is facing an electric power crisis. All agreed that much of the delay in construction of badly needed electric generating plants can be blamed on lawsuits filed on environmental grounds. These lawsuits are based on a provision in the National Environmental Policy Act of 1968 which requires that before a Federal project which has a significant effect on the environment can be built, a so-called environmental impact statement must be prepared, which evaluates alternatives and the effects on the environment.

This provision has a commendable purpose, but it is being abused. The lawsuits allege that the impact statements are incomplete or faulty. Injunctions are sought and obtained to stop the projects while the courts decide the sufficiency of the impact statements, which can take months or years.

In his testimony to the subcommittee, the Chairman of the Federal Power Commission commended to our favorable attention the bill that is presently under consideration, S. 3543. He pointed out that the 15 substantially completed nuclear powerplants which would be given temporary operating licenses under this bill are in areas where power shortages can be expected this summer. This is logical, for, of course, the reason these very expensive plants are being built is to meet projected power requirements.

The problem arises because the permanent licenses for these plants are being or are expected to be contested by lawsuits filed on environmental grounds, using the language of the National Environmental Policy Act as a basis.

The prerequisites for the issuance of temporary licenses under this bill are comprehensive and they provide adequate safety and environmental safeguards. This bill should be passed, for these powerplants are badly needed to meet the power crisis. I urge its approval by the Senate.

My concern about the current rash of environmental lawsuits goes beyond the power crisis, to encompass the full field of public works projects. They also are being ground to a halt, in considerable numbers, by these lawsuits. The consequences, in economic losses to this country, are very great.

Certainly it is true that the protection of the environment is one of the most important matters being debated in this country today. I take the position that it should not be debated too emotionally, but that it should be approached rationally, without disregarding any of the facts.

There are only a few basic points that are really important. First, for hundreds of years men of all nations have abused the environment. To a great degree this was because there seemed to be a surplus of all the good things in nature that could last forever.

Now men know that they are overdrawn at nature's bank and have to pay it back. This is going to cost a lot of money. To make that money we have to have economic development. To halt economic development would be to make impossible the achievement of our environmental goals—to clean up our land, air, and water. We cannot choose either economic progress or the good, green earth. We must have both, and we can, if the problems are approached with logic, and not emotional debate.

This crisis in electric power, and the public works program in general, occurs because the language in the National Environmental Policy Act of 1968 does not give the Federal courts enough guidance. It will take legislation to correct this situation, and I will support such legislative efforts.

This bill now before the Senate is needed to help relieve the situation as to a power shortage and I urge its support.

Mr. NELSON. Mr. President, I support S. 3543, a bill which amends the Atomic Energy Act of 1954 to provide for the issuance, under certain circumstances, of licenses for temporary operation of nuclear powerplants.

I support the bill because it strikes what appears to me to be a fair compromise. That is, it permits the Atomic Energy Commission to issue interim operating authority at a power level and for a period of time specifically tailored to meet the event of a power shortage, while at the same time it permits the public and interested parties to participate in the decisionmaking process by having such temporary operating authority issued only after a hearing and certain specified findings.

Section 192a first provides that a petition for temporary operating authority may not be filed until after the Advisory Committee on Reactor Safeguards has issued its report, the Commission has completed and published the Regulatory Staff's safety evaluation, and all of the applicable requirements of the National Environmental Policy Act are compiled with. The section accordingly requires the full application of the National Environmental Policy Act and its spirit and history.

Under section 192a, a petition for temporary operating authority cannot even be filed until after the administrative review has been completed. This section further provides that a mandatory public hearing must be held on any such petition and that upon completion of the hearing, the Commission must make findings that the plant has been constructed properly and will operate in accordance with the rules and regulations of the AEC; that there will be adequate protection of the environment; and that limited operation of the facility is essential to meet the power shortage which is the subject of the petition.

In S. 3543, the agency process whereby the Commission determines whether or not to issue a temporary license is an adjudication within the meaning of section 554 of title 5 of the United States Code, so that parties opposing the license will have the opportunity to investigate fully the facts which are alleged in support of the temporary operating authority. Thus, the Commission's ultimate decision in connection with an issuance or not of a temporary operating license will be made after all parties have had an opportunity to be heard, which includes the traditional rights of discovering valuable and relevant information in support of each of their positions and of cross-examination of persons holding opposing views. Thus, the bill does not disturb the present and salutary concept in sections 181 and 189 of the Atomic Energy Act, as supplemented by the relevant sections of the Administrative Procedure Act (5 U.S.C. sections 554, 556, and 557) that public hearings and public participation are an important check upon in-house administrative review.

It is clear that the bill provides for the issuance of temporary operating authority to meet a power shortage only after it has been demonstrated that all

safety, radiological, and environmental problems associated with such limited operation have been resolved satisfactorily in accordance with the Atomic Energy Act and the National Environmental Policy Act. Since the bill would not permit the issuance of a temporary operating license when there remains outstanding in a contested operating hearing an unresolved safety issue which is also related to temporary operating authority, S. 3543 would not permit the bypassing of adjudication of unresolved safety issues by virtue of an expedited hearing in connection with the issuance of a temporary operating license.

Finally, S. 3543 permits the Commission to issue rules and regulations—not inconsistent with the purposes of S. 3543—to expedite the hearings in connection with the temporary operating license. That is, the Commission could devise rules and regulations which could shorten the discovery process prior to the actual hearing by, for example, requiring that all information in support of the petition and the various administrative reviews be made publicly available upon the filing of the petition for a temporary operating license; but the Commission could not issue rules and regulations to expedite temporary operating hearings which would do away with the traditional rights of a party to a hearing, to discovery, to cross-examination and to a full opportunity to be heard.

I have always been in favor of public participation in administrative action and I am pleased to support a bill which encourages and ratifies the public's right to participate in the adjudication of licenses for nuclear powerplant operation.

I am also pleased that the bill reinforces the application of the National Environmental Policy Act, notwithstanding that it also provides for authority for interim licensing.

Mr. KENNEDY. Mr. President, the legislation we are now considering is of the most urgent character. The energy crisis now facing this Nation requires speedy action by the Senate. However, there is a combined requirement that faces us. We must meet the energy requirements, but we must do so without destroying our environment or by permitting unsafe and unhealthy practices to exist.

Always in the case of competing interests, a balance must be struck. And I believe the bill now before the Senate succeeds in that regard.

In this matter, I want to extend my most sincere commendations to the Senator from Rhode Island (Mr. PASTORE), the chairman of the Joint Atomic Energy Committee, for his thoughtful and diligent action in arriving at the current bill in its present form.

Mr. President, the purpose of S. 3543 is to provide the Atomic Energy Commission with specific statutory authorization to issue temporary operating licenses for nuclear powerplants. The bill has been carefully drafted to reflect the preservation of important rights of the public to an adjudicatory hearing and to court review with respect to the temporary operating license. To fully appreciate what the bill provides, it is necessary to examine the history of the legislation.

Originally the Joint Committee on Atomic Energy was considering three bills, H.R. 13731, H.R. 13732, and H.R. 14065, each of which in one way or another authorized the AEC to issue temporary operating licenses without preservation of the public's right to an adjudicatory hearing and to court review. Of those, H.R. 14065 was the bill which appeared to be of greatest interest to the Joint Committee on Atomic Energy because, unlike the other two bills, it did not attempt to avoid the NEPA—National Environmental Policy Act.

One portion of H.R. 14065 of greatest concern to me was the following: The intended inapplicability of sections 181 and 189a of the Atomic Energy Act and sections 554, 556, and 557 of title 5 of the United States Code. This represented a specific attempt to abolish the adjudicatory hearing, which is required by the sections of the Atomic Energy Act and the conduct of which is controlled by the sections of title 5. Reference to the inapplicability of these sections was specifically excluded from S. 3543 and in addition, S. 3543 specifically requires that a "hearing" be held on any request for a temporary operating license.

This major change in the legislation was directly responsive to the consensus expressed by numerous environmental organizations and by Senator BAKER as expressed in his supplemental views in the committee report. On April 18, 1972, I wrote to Senator PASTORE expressing my concern that H.R. 14065 would permit the AEC to issue temporary operating licenses without preserving the public's right to an adjudicatory hearing. My staff on the Subcommittee on Administrative Practices and Procedures contacted the Joint Committee on Atomic Energy staff and were assured that S. 3543 was responsive to those concerns. I am extremely gratified that through the diligent efforts of Senator PASTORE, Senator BAKER, and the other members of the Joint Committee on Atomic Energy, a bill was reported which did provide the AEC with the explicit authority that it needed to issue temporary operating licenses on an expedited basis without compromising the public's right to an adjudicatory hearing.

Mr. President, I ask unanimous consent to have the correspondence between Senator PASTORE and myself placed in the RECORD.

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

APRIL 18, 1972.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Washington, D.C.

DEAR MR. CHAIRMAN: I am aware that the Joint Committee on Atomic Energy is considering H.R. 14065 concerning the licensing of commercial nuclear power plants. I have received the attached letter from representatives of the Sierra Club and the Union of Concerned Scientists.

Without attempting to evaluate their conclusions regarding the matter of nuclear reactory safety, it would seem that relevant testimony by the AEC experts and representatives of these groups could well ensure what I know is your intent, a bill that will combine assurance of necessary electric power with the protection of the environment.

Apparently, some of the positions taken at recent AEC rulemaking hearings by AEC personnel themselves represent new information on the state of the art.

I would hope that, without unduly delaying action by the Committee, there might be an opportunity given to the AEC technical experts and to a limited number of representatives of concerned environmental groups to testify on this specific issue.

Also, may I mention, as chairman of the Administrative Practice and Procedure Subcommittee my concern that the protections of the Administrative Procedure Act be carefully evaluated before any action be taken to limit those protections.

I appreciate your attention to this matter, and I am sure you share my concern that there be the fullest exposition of all possible views, as your Committee has so ably done in the past, to ensure wide public confidence in the safety and future of atomic energy.

Sincerely,

EDWARD M. KENNEDY.

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 4, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am pleased to respond to your letter of April 18, 1972, concerning H.R. 14065, a bill which would authorize the Atomic Energy Commission to license nuclear power plants on a temporary basis in emergency power situations. The members of this Committee are aware of the concerns expressed by representatives of the Sierra Club and the Union of Concerned Scientists which are set forth in their letter of April 17, to you which you kindly furnished me with your letter.

Since you wrote me, the Committee has made a number of changes to H.R. 14065. After a series of executive sessions, the Committee, on April 27, 1972, by a roll call vote of 15 to 0, ordered a clean bill to be reported. This bill was introduced in the Senate as S. 3543 and in the House as H.R. 14655. I am enclosing a copy of the bill, the House report on the bill, and a copy of Part 1 of the hearings on the bill. A copy of Part 2 will be sent to you as soon as it becomes available.

A hearing on a House rule for consideration of the legislation was held on May 1, and a rule was issued the same day. The legislation was passed by the House on May 3.

The Atomic Energy Commission, on March 8, 1972, submitted a bill concerning the licensing of nuclear power plants which was referred to this Committee. The bill, H.R. 13731, proposed extensive changes in licensing procedures for these plants. At the Committee's hearing on March 16, I asked Dr. Schlesinger what aspect of the Administration's proposal was needed to help assist with the emergency power situation which both Government and utility representatives have testified before this and other committees may materialize in certain areas of the country commencing this summer. Dr. Schlesinger replied that the only amendment to the Atomic Energy Act needed in light of that problem is an amendment which would authorize the Commission to issue a temporary operating license under certain circumstances.

H.R. 14655 is intended to be responsive to that need. Under H.R. 14655 a temporary operating license could be issued, even though a contested hearing on the full-term (forty years), full-power license is in progress, under the following circumstances:

(a) There is an emergency need for the power output from the plant.

(b) The requirements of the National Environmental Policy Act have been satisfied.

(c) The report of the statutorily independent Advisory Committee on Reactor Safeguards has been received.

(d) The regulatory staff of the Atomic Energy Commission has issued its safety report on the operation.

(e) The Commission must determine that the temporary operation can be conducted safely and with adequate protection of the environment; if these determinations cannot be made, the plant cannot be licensed to operate on a temporary basis.

An important feature of the legislation developed by the Committee concerns the addition of hearing requirements prior to issuance of an interim license. Interested parties would be given an opportunity initially to express their views on the petition in the form of affidavits. A hearing would be held on the petition under expedited procedures which the Commission deems appropriate. The hearing would not necessarily be a trial-type hearing. If, in view of the Commission, the affidavits raised a substantial issue of merit in connection with the proposed temporary operating license, interested parties would be given an opportunity to present evidence and question witnesses on that issue under expedited procedures which the Commission deems appropriate. This authority can be used in contested hearings and proceedings which are pending and in progress on the date of enactment of the bill. If any temporary license is issued by the Commission, the Commission action would be subject to judicial review under the Administrative Orders Review Act of 1950.

This approach should preserve the essential concepts of the Administrative Procedure Act regarding a reasonable opportunity for parties to present evidence on disputed factual matters which are relevant to the temporary operation. In that regard the staff of the Joint Committee on Atomic Energy has contacted the staff of your Administrative Practice and Procedures Subcommittee to assure that the procedural safeguards associated with any expedited procedures which may be authorized incorporate adequate procedural safeguards embodied in the Administrative Procedure Act. The Committee has also received the views of the Chairman of the Administrative Conference of the United States and assistance from his staff.

As far as additional hearings are concerned, I am informed that the Sierra Club and the Union of Concerned Scientists are represented in the public rule making hearings on the adequacy of the interim criteria for emergency core cooling systems now being conducted by the Commission. Their attorney in that rule making proceeding was one of the witnesses who testified before the Joint Committee on March 17 on the bills as well as on the emergency core cooling hearing. I am also informed that the views expressed in their letter of April 17 to you are already in the public record. If these organizations have any additional factual information on this matter which is not already available to the public, I would urge them to inform the Commission and the Committee promptly. You may be assured that all views will be taken into consideration to insure that any licensing action which may be authorized on a temporary basis to meet emergency power needs would not result in any compromise of safety. Indeed, at the outset of the hearings on March 16, I questioned Dr. Schlesinger in that regard and he assured the Committee that all safety and environmental findings would have to be made for purposes of any temporary operation.

I deeply appreciate your letter informing me of your concerns as well as the concerns of others.

Sincerely yours,

JOHN O. PASTORE,
Chairman.

Mr. MUSKIE. Mr. President, I have reviewed this bill, S. 3543, a bill to vest in the Atomic Energy Commission the specific statutory authority to issue temporary operating licenses for nuclear power reactors when the power from those reactors is demonstrated to be needed to meet or avert a probable or actual power shortage.

Earlier versions of this legislation—and I speak particularly of the administration's proposal, H.R. 13731—were wholly unacceptable, in my judgment. That bill would have given the AEC full discretion to issue full-power operating licenses for nuclear reactors, even where there was a serious safety or environmental issue being contested. The Commission could have done so within the framework of a procedure that would have seriously curtailed or even eliminated entirely the traditional rights of public parties to contest issues in an adjudicatory proceeding.

S. 3543 and its companion measure already passed by the House, H.R. 14655, represent a very substantial improvement over the administration proposal, in several respects. First of all, the bills set out specific findings of fact that must be made on the record by the Commission before a temporary license could issue, including full compliance with all safety requirements, satisfaction of the applicable requirements of the National Environmental Policy Act, provision for "adequate protection of the environment during the period of the temporary operating license," and a very tight test of whether or not there is, in fact, likely to be a power shortage and whether or not such a shortage could be averted by some means other than the issuance of a temporary operating license for a nuclear power reactor. The burden of proof in each of these instances is upon the petitioner for the license.

Under the administration's proposal, the Commission would have been given total discretion to determine whether or not any sort of hearing at all would have been held on a petition. Had the Commission decided to hold a hearing, it would have been authorized to hold a simple, abbreviated, "legislative-type" hearing, with no rights of discovery and cross-examination reserved to parties to the proceeding. I could not have supported such a drastic abridgment of the public's right to contest radiological health and safety and environmental issues as they relate to the temporary operating of nuclear power reactors.

S. 3543, the pending bill, while it gives the Commission important new authority to issue temporary licenses under certain narrow circumstances to meet a legitimate power need, does not give the Commission any new authority that it does not now have as to procedural rights and safeguards reserved to parties by sections 181 and 189a of the Atomic Energy Act and sections 554, 556, and 557 of title 5 of the United States Code—the Administrative Procedure Act. The Commission now has and has always had the authority to issue such rules and regulations as it may deem necessary to expedite any adjudication conducted pursuant to any licensing authority. But such rules and regulations cannot in any way breach or compromise the traditional rights of parties guaranteed by sections 554, 556, and 557 of title 5. Even though the bill speaks of the Commission's authority to determine which issues raised by affidavits filed by parties are "substantial," this is not a new authority. Such determinations are commonly made in any agency adjudication and made on the record. Because the short-term operating of one of these power reactors should raise fewer issues of safety and environmental degradation than might the full-term operating of the same reactor, the Commission should be able to expedite any proceeding on a petition for a temporary license, so that whatever issues are raised can be resolved in a timely fashion.

Mr. President, I have no objection to the enactment of this legislation. If the Commission exercises its new authority responsibly, imaginatively, and in good faith, this bill should provide AEC with the capability of addressing demonstrated emergency power shortages when and if they occur in various areas of the Nation, while at the same time maintaining the requirements of NEPA and providing essential protection to the public on the critical and overriding issues of health, safety, and environmental effects in the AEC regulatory procedures.

Mr. TUNNEY. Mr. President, after reviewing the careful consideration afforded S. 3543 by the Joint Committee on Atomic Energy, and noting its endorsement by the CEQ, EPA, and major environmental groups, I have decided to support this interim measure.

In order to prevent anticipated blackouts and brownouts in certain areas of the country commencing this summer, S. 3543 would permit the issuance of temporary operating licenses to a limited number of nuclear powerplants which are fully or substantially constructed and are located in the areas of the expected shortages.

Such temporary operating licenses would not be issued unless certain prerequisites are satisfied. These include a determination by the Commission that safety requirements are met, and compliance with all applicable provisions of the National Environmental Policy Act. The authority to issue temporary operating licenses would expire on October 31, 1973, and the applicant must proceed with due diligence to obtain its permanent license or else the temporary license must be vacated.

I fully support Senator BAKER's interpretation of the procedural rights and safeguards afforded by S. 3543. I would underscore specifically that the agency process whereby the Commission or its delegate makes the findings required in new subsection 192b and determines whether or not to issue a temporary operating license is an adjudication required to be determined on the record within the meaning of section 554 of title 5 of the Administrative Procedure Act. I would have opposed sections of the administration's bill, H.R. 13731, which extinguished important procedural rights available to the public.

Mr. PASTORE. Mr. President, if Senators will remain on the floor, I think we can dispose of the business within a matter of minutes.

Do I correctly understand, Mr. President, that we have had third reading?

The PRESIDING OFFICER. We were about to have it. We were interrupted.

If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. PASTORE. I ask unanimous consent that the order for the yeas and nays on S. 3543 be vitiated.

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

Mr. PASTORE. Mr. President, I ask unanimous consent that the Joint Committee on Atomic Energy be discharged from further consideration of H.R. 14655, which is identical to the bill we are dealing with here in the Senate, S. 3453, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none and it is so ordered.

The question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PASTORE. I yield back the remainder of my time.

Mr. BAKER. I yield back my time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the House bill.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GOLDWATER). All time having been yielded back, and the bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), the Senator from Montana (Mr. MANSFIELD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. CHILES) are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Alaska would vote "nay" and the Senator from Minnesota would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), and the Senator from Utah (Mr. BENNETT) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 183 Leg.]

YEAS—80

Allen	Ellender	Moss
Allott	Fannin	Muskie
Anderson	Fong	Nelson
Baker	Fulbright	Packwood
Bayh	Goldwater	Pastore
Beall	Griffin	Pell
Bellmon	Gurney	Percy
Bentsen	Hansen	Proxmire
Bible	Harris	Randolph
Boggs	Hart	Roth
Brock	Hartke	Schweiker
Brooke	Hatfield	Scott
Buckley	Hollings	Smith
Burdick	Hruska	Sparkman
Byrd, Harry F., Jr.	Hughes	Spong
Byrd, Robert C.	Jackson	Stafford
Cannon	Javits	Stennis
Case	Jordan, Idaho	Stevenson
Church	Kennedy	Symington
Cooper	Long	Taft
Cotton	Magnuson	Talmadge
Cranston	Mathias	Thurmond
Curtis	McGovern	Tower
Dole	McIntyre	Tunney
Dominick	Metcalf	Weicker
Eagleton	Miller	Williams
	Mondale	Young

NAYS—0

NOT VOTING—20

Aiken	Gravel	Montoya
Bennett	Humphrey	Mundt
Chiles	Inouye	Pearson
Cook	Jordan, N.C.	Ribicoff
Eastland	Mansfield	Saxbe
Ervin	McClellan	Stevens
Gambrell	McGee	

So the bill (H.R. 14655) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that S. 3543 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. CURTIS). Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Mississippi.

THE FEDERAL HAZARDOUS SUBSTANCE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I think this request has been fully cleared on both sides, and I direct my attention to the distinguished Senator from Iowa—that at such time as S. 1478, a bill to amend the Federal Hazardous Substances Act, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between the manager of the bill, the Senator from Washington (Mr. MAGNUSON), or his designee, and the ranking minority member of the Committee on Commerce or his designee; that there be 1 hour on any amendment, with the time to be equally divided between the mover of such amendment and the manager of the bill; that there be a limitation of one-half hour on any amendment to an amendment, debatable motion, or appeal, with the time to be equally divided between and controlled by the mover of such and the manager of the bill, except in those instances in which the manager of the bill supports such amendment, debatable motion, or appeal, in which case the time in opposition thereto to be under the control of the distinguished minority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object—and I do not intend to object—could the distinguished majority whip give some idea of when this bill will come up?

Mr. ROBERT C. BYRD. Mr. President, I believe that the likelihood is that the bill would not be called up before next week sometime. That is the present likelihood, as I see it. It would then be called up in accordance with the understanding we have had today with respect to calling up matters on an ad hoc basis, as long as the unfinished business is before the Senate.

I assure the Senator that he will be contacted at such time as any effort is made to call up the bill.

Mr. HUGHES. The Senator from Iowa would like to inquire, is it anticipated—as I have no knowledge—that there would be any lengthy debate or any long series of amendments in relationship to the bill?

Mr. ROBERT C. BYRD. I am told that there is one amendment which would possibly be offered by the distinguished Senator from Tennessee (Mr. BAKER). I was further told by the Senator from Tennessee (Mr. BAKER), a little while ago, that it is possible some resolution can be reached with respect to the subject matter of his amendment, in which case the bill could be disposed of rather quickly. So, I do not anticipate a series of amendments, if I may say.

Mr. HUGHES. The Senator from Iowa was reassured by the distinguished majority whip saying, in accordance with the understandings we have had, that there will be communication before such bill is brought up in relation to the timing of bringing it up.

Mr. ROBERT C. BYRD. The distinguished Senator from Iowa has that assurance.

Mr. HUGHES. The Senator from Iowa does not object.

Mr. ROBERT C. BYRD. I thank the Senator from Iowa very much.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

CONFERENCE REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL—UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the morning business, the Chair lay before the Senate the conference report on the supplemental appropriation bill, this being a privileged matter, provided, that time on that conference report be limited to 30 minutes, to be equally divided between the distinguished manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the ranking minority member of the Appropriations Committee, the distinguished Senator from North Dakota (Mr. YOUNG); provided further, that upon the disposition of that conference report, the Senate then resume the consideration of the unfinished business, S. 3526.

Mr. President, I hope the Chair will indulge me and allow me to withhold this request temporarily.

Mr. President, I temporarily withdraw my unanimous consent request with the anticipation that, later in the afternoon, I may be able to renew it.

ORDER FOR RECOGNITION OF SENATOR BROCK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order—or their designees—the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. 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 WAR IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, the board of supervisors of the county of Santa Cruz of the State of California, on May 10, 1972, adopted a very important resolution opposing our further involvement in the war in Southeast Asia and supporting an initiative opposing the war in Southeast Asia.

Under that initiative, the people of the county of Santa Cruz, and people elsewhere, will be provided an opportunity to register their position on the war, to indicate whether they wish the war to continue or whether they wish to end our involvement in the war.

The resolving clause of the resolution states:

It is further resolved that all citizens of Santa Cruz County are urged to send their own messages to the President and to members of Congress in order that the views of said citizens in this matter may be adequately expressed.

Mr. President, many people in public office, where they are not compelled to vote yes or no on issues relating to the tragic war in Vietnam, duck that issue, saying that it is not their responsibility in their particular position of authority to take a stand on the issue, it is most heartening that these courageous officials of Santa Cruz County—3 of whom comprise the majority vote in favor of the resolution—have taken this stand. I hope that many other officials elsewhere across this land will be encouraged to do likewise. I hope that the citizens all across this land will heed this advice and indicate to Members of this body, to Congress itself, and to the President, their stand on this war.

Mr. HUGHES. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. HUGHES. I should like to say to the distinguished Senator from California that I think the stand taken by the Board of Supervisors of Santa Cruz County is one which can indicate to other boards and other levels of government all over the country a method of action whereby there can be some grassroots expression from the people about the war in Southeast Asia.

Part of the problem in America today has been the fact that people have had no outlet for their expressions, or a way or a means to voice their own opinions which might have some effect on the governmental structure.

I should like to commend this particular board of supervisors in California, and the Senator from California, for placing this particular resolution in the RECORD at this time. I express with him the hope that this might take place all over America, at least against or for. I encourage both courses of action.

If there are boards who feel the opposite of this board, I think it would be well if that were brought out so that we might know. We have all kinds of speculation as to how people feel about the war and our disengagement and the various steps to be taken.

I think this particular board deserves congratulations, certainly the congratulations of the Senator from Iowa. I appreciate the fact that the Senator from California has put this in the RECORD.

Mr. CRANSTON. Mr. President, I thank the Senator from Iowa for his deep interest in this matter and for his support of this and other efforts to end our war in Southeast Asia.

The chairman of the board of supervisors of the county of Santa Cruz, Mr. Philip W. Harry, came to Washington with this resolution. He visited the Senator from Iowa (Mr. HUGHES). He has visited my office also.

I ask unanimous consent that the full text of the resolution by the board of supervisors be printed in the RECORD.

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

RESOLUTION No. 153–72

Resolution supporting Southeast Asia initiative opposing war in Southeast Asia

Whereas, we realize that we were not elected members of the Santa Cruz County Board of Supervisors to become involved in establishing or altering our nation's foreign policy, and

Whereas, there is no known legal precedent for our expressing a viewpoint in regard to said foreign policy, and neither is there any known legal impediment to our doing so, and

Whereas, we firmly believe that the President has exceeded his Constitutional authority in his announcement of a blockade of the harbors of North Viet Nam, and

Whereas, the effects of a war in Southeast Asia, or any other area on earth, are felt in all sections of our country, including Santa Cruz County, and are therefore of concern to the citizens of this county, and

Whereas, we do not presume that we necessarily represent the thinking of all the people of Santa Cruz County in regard to the aforementioned foreign policy as it affects the war in Southeast Asia, but reflect the thinking of ourselves as individuals and of more than 2,000 persons who attended a public hearing on Wednesday, May 10, 1972, in the Santa Cruz Civic Auditorium, and

Whereas, this thinking also has been reflected by many other persons in Santa Cruz County, and

Whereas, we share with concerned citizens in Santa Cruz County and all over the world the conviction that war in any form, by any people against any other people, is immoral, and

Whereas, we also deplore all acts of violence, disturbance and disruption at home and abroad;

Now, therefore, it is hereby resolved that the members of the Santa Cruz County Board of Supervisors, as individuals, deplore the war in Southeast Asia and urge the enactment of any legislation which will bring this war to a close and prevent repetition of such involvement in any other area.

It is further resolved that said members of the Santa Cruz County Board of Supervisors endorse the Southeast Asia War Initiative.

It is further resolved that the Chairman of this Board is authorized to deliver a copy of this resolution in person to the White House. The costs of such trip will not be a county charge.

It is further resolved that in making such presentation, the Chairman of this Board

will be representing only those members of this Board who are listed below as approving this resolution.

It is further resolved that all citizens of Santa Cruz County are urged to send their own messages to the President and to members of Congress in order that the views of said citizens in this matter may be adequately expressed.

Passed and adopted by the Board of Supervisors of the County of Santa Cruz, State of California, this 10th day of May, 1972, by the following vote:

Ayes: Supervisors Mello, Sanson, Harry.
Noes: Supervisors Forbus, Cress.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, May 17, 1972, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 234. A joint resolution deploring the attempted assassination of Gov. George C. Wallace of Alabama.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. CURTIS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Tennessee (Mr. BROCK) tomorrow there be a period for the transaction of routine morning business for not to exced 30 minutes, with statements limited therein to 3 minutes.

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

CONFERENCE REPORT ON SUPPLEMENTAL APPROPRIATION BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate proceed to the consideration of the conference report on the supplemental appropriation bill, H.R. 14582; that time thereon be limited to 1 hour, to be equally divided between the chairman of the Committee on Appropriations (Mr. ELLENDER) and the able ranking minority member of the committee (Mr. YOUNG); provided further, that the unfinished business, S. 3526, be temporarily laid aside for not to exceed 1 hour following the conclusion of the morning business tomorrow; and that upon disposition of the supplemental appropriation conference report the Senate resume its consideration of the unfinished business, S. 3526.

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

Mr. ROBERT C. BYRD subsequently said: Mr. President, I want to make a slight revision in the unanimous consent that was earlier agreed to with respect to the conference report on the supplemental appropriation bill. I do this just to preclude any problem from arising which might unduly or unexpectedly delay resumption of consideration of the unfinished business on tomorrow.

I ask unanimous consent that, immediately following the conclusion of morning business on tomorrow, the Senate proceed to the consideration of the conference report on H.R. 14582, the supplemental appropriations for 1972; that there be a limitation of time on the consideration of that conference report and the disposition of any amendments in disagreement thereto for not to exceed 1 hour; and that at the conclusion of any votes which may occur in connection therewith, or at such time as the 1 hour has expired, or remaining time has been yielded back, the Senate then return to the consideration of the unfinished business, S. 3526.

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

Mr. ROBERT C. BYRD. I wish to state at this point that there will be no further rollcall votes today.

DECLARATION COMMEMORATING THE 18TH ANNIVERSARY OF THE DECISION IN BROWN AGAINST BOARD OF EDUCATION

Mr. JAVITS. Mr. President, 10 Republican Senators have issued a statement commemorating the 18th anniversary of the Supreme Court school desegregation decision. Inasmuch as I think it is so important, especially coming today when we have just gone through a very trying conference on the higher education bill which dealt with this particular issue to some extent, and from which I have derived considerable concern about its future, I take the liberty of reading to the Senate the declaration issued today by Senators BROOKE, CASE, HATFIELD, JAVITS, SCOTT, STAFFORD, WEICKER, PACKWOOD, PERCY, and SCHWEIKER. The declaration reads:

Eighteen years ago today, the Supreme Court in an historic decision in Brown v. Board of Education declared that "segregation of children in public schools solely on the basis of race . . . deprive(s) the children of the minority group of equal education opportunities . . . (and) is a denial of equal protection of the laws".

On this anniversary of that landmark decision we, the undersigned Republican Senators, reaffirm our dedication to the letter and the spirit of that decision. We reject any attempt to abandon or to impede school desegregation which we believe to be essential to the proper education of the nation's children and to the stability, growth and harmony of the nation.

We believe that equal opportunity should be available at every level of American life and we look particularly for strict enforcement of the Federal laws against discrimination in education—as well as jobs and housing. We have faith that progress in all these areas will ultimately integrate our society, but this faith does not diminish our responsibility to continue effective action now in respect to school desegregation.

We reject specifically the concept that separate can be equal, a doctrine rejected by the Supreme Court in 1954, and we vigorously oppose efforts by any race whatever the doctrine invoked, again to segregate our children in school. While both local participation with an active role for the community in the school system and neighborhood schools are traditional American concepts, we cannot condone the efforts of extremists of any race who would, by act or by inaction, use them as an excuse for a return to the dual school system.

As Republicans, we are proud of our Party's tradition in civil rights. Beginning in Abraham Lincoln's time, and continuing through the great legislative breakthroughs of the 1950's and 1960's Republicans have consistently labored to close the gap between black and white America. As Republicans, too, we are committed to the concept of justice under law. In school desegregation, the law is clear. The decision to desegregate with all deliberate speed is eighteen years old today; we are committed to its implementation as a nation without excuse, evasion or further delay and we pledge ourselves to attaining this national objective.

QUORUM CALL

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

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. 1189

Mr. BELLMON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that amendment No. 1189 may be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I call up my amendment No. 1189 and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 1189) as follows:

On page 31, line 1, following the word "missions," insert the following: "personnel of the Department of Agriculture,".

Mr. BELLMON. Mr. President, the purpose of this amendment is very simple. The language of S. 3526 as now written would reduce the number of personnel of each of the agencies other than the State Department by 10 percent. This includes the Department of Agriculture, and in checking with the Department I find that presently the Department of Agriculture has a total of only 203 American citizens assigned overseas. The jobs con-

ducted by those individuals fall into four categories:

One. The Foreign Agriculture Service has only 138 Americans overseas. These persons are engaged in market development and reporting on market opportunities and the competitive situation for agricultural markets around the world. Their main effort is directed toward export expansion programs that have helped to increase U.S. farm exports to record levels.

The second category is in Agriculture Research Service, with only 14 Americans assigned overseas. The personnel in this category are highly trained research administrators who supervise projects under the Public Law 480 program. These projects are of great value to the United States and the host country and are carried on at a minimum cost to the taxpayers.

The third category is in the Animal and Health Inspection Service—which is the one, frankly, that interests me the most—in which only 51 Americans are assigned overseas. The work of this agency is divided into two parts: First, guarding against the import of pests, diseases, and unfit food. Only 43 Americans are assigned overseas to perform this task. These officers protect American consumers from import into the United States of food products that do not meet U.S. standards for purity and wholesomeness.

These 43 Americans are responsible for overseeing the sanitary conditions in more than 1,000 meat packing plants which process meat for shipment into the United States. These plants ship more than 1 billion pounds of meat a year into the United States. The truth of the matter is that we need many more Americans performing this service to protect the U.S. consumer, not fewer. They protect U.S. agriculture and the food economy from the introduction of diseases and pests that do not exist in this country and would cause untold damage to U.S. plants and animals should they gain a foothold here.

There are only eight Americans engaged in research on marketing quality of U.S. products exported to Europe. This small number of market researchers are aiding in the development of equipment and techniques to deliver U.S. perishable commodities to major European markets. A large potential for expanded export trade in fresh fruits, vegetables, meats, and other perishable depends on the development of improved delivery methods.

The reduction in force proposed by this section could result in the removal of 20 Americans from any of these functions. It could result in the elimination of all research activities of the Department of Agriculture overseas under Public Law 480 and other programs designed to increase our export markets. Or it could result in a reduction by one-half of the size of the present inspection program carried on by the Department of Agriculture to insure that products coming into our country are pure and wholesome.

I am sure that this is not the intention of the committee, and therefore it is my feeling that the personnel of the U.S. Department of Agriculture should be exempt from the personnel reduction order by section 504 of this act.

Therefore, it is my hope that the chairman of the committee will accept this amendment. I strongly feel that the personnel of the USDA should not be included in the reduction order by section 504 of S. 3526.

Mr. FULBRIGHT. Mr. President, coming from an agricultural State as I do, I am, of course, very sympathetic to the point the Senator from Oklahoma is making. There are one or two observations I should like to make.

The bill as reported does not impose a 10-percent cut in the overseas personnel of each agency. The categories which are mentioned on page 98 of the report are simply illustrative of the numbers involved. In other words, it was our intention that it be an overall cut, to be allocated among all the agencies in accordance with the executive department's own priorities. I had assumed—as I do now—that if the executive branch used good judgment, it would not harm one of the most important and essential parts of our foreign activities, agricultural exports and other such activities carried out abroad by the Department of Agriculture.

The Senator from Oklahoma certainly is right in drawing attention to this. As I said, I am very sympathetic to his proposal.

I might point out as background why this provision, section 504, was put in the bill.

I ask unanimous consent that that entire section of the report be printed in the RECORD at this point.

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

SECTION 504. PERSONNEL REDUCTION

This section requires that by June 30, 1973, the total number of U.S. government personnel assigned abroad, other than personnel of the Department of State (including reimbursable personnel carried on the Department's rolls), members of the Armed Forces not assigned as attaches or to military aid activities and volunteers in the Peace Corps, be reduced by at least ten percent from the current levels. In addition, the amendment places a worldwide ceiling of 6,000 on the number of State Department personnel (including reimbursable personnel assigned to the Department) who can be stationed overseas at any one time.

According to the recent information available to the Committee, there are some 26,000 U.S. personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular Department related activities number 3,409 or about 13 percent. If to this total are added those carried on the Department's rolls as reimbursable personnel, those whose duties actually are in behalf of other agencies such as A.I.D., U.S. Information Agency, and others, the State Department total increases to 5,809—but even this amount represents only 22 percent of the total.

By comparison there were:

5,047 AID personnel;

4,650 Defense Department personnel (excluding members of the Armed Forces);

8,372 Peace Corps personnel;

1,069 USIA personnel;

1,527 other Executive Branch personnel including Justice, Agriculture, Commerce, HEW, NASA and EXIM Bank.

In other words, for every State Department employee overseas there are four more employees from other government agencies. This situation indicates that our overseas missions have developed into miniature foreign policy establishments, drawn along the lines of Washington itself. Those Executive Branch agencies (other than State) which have a foreign-policy input in Washington—ranging from the Department of Defense to the Department of Agriculture—also have their representatives overseas, the only difference being that the representation is on a smaller scale.

This provision would begin to reverse this situation and start to reduce the number of government employees overseas to a more manageable level, while at the same time enhancing the power of the State department to regain better control over our missions abroad.

This mandatory reduction reflects the Committee's concern over the proliferation of government personnel abroad. It recognizes that some reductions have been made in the last several years, but believes that substantially greater reductions could be made which would result in the more efficient and effective conduct of foreign affairs. This reduction should also have a favorable impact on the government's fiscal condition and our balance of payments problem.

The Committee views the ten percent reduction required as a minimum figure and expects that serious efforts will be made to reduce the overseas bureaucracy much further. The Committee will follow the implementation of this directive closely and expect to give careful study to the results during consideration for authorization legislation for FY 1974. In addition, the Committee will expect the Department of State to provide a detailed justification in the FY 1974 presentation material of all U.S. personnel in each U.S. mission abroad to which 50 or more Americans are assigned.

Mr. FULBRIGHT. I shall read just parts of it:

According to the recent information available to the Committee, there are some 26,000 U.S. personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular Department related activities number 3,409 or about 13 percent. If to this total are added those carried on the Department's rolls as reimbursable personnel, those whose duties actually are in behalf of other agencies such as A.I.D., U.S. Information Agency, and others, the State Department total increases to 5,809—but even this amount represents only 22 percent of the total.

By comparison there were:

5,047 AID personnel;

4,650 Defense Department personnel (excluding members of the Armed Forces);

These, of course, do not include any of the people in the Army or other Armed Forces—

8,372 Peace Corps personnel;

1,069 USIA personnel;

1,527 other Executive Branch personnel including Justice, Agriculture, Commerce, HEW, NASA and EXIM Bank.

In other words, for every State Department employee overseas there are four more employees from other government agencies. This situation indicates that our overseas missions have developed into miniature foreign policy establishments, drawn along the lines of Washington itself. Those Executive Branch agencies (other than State) which have a foreign-policy input in Washington—ranging from the Department of Defense to the Department of Agriculture—also have their representatives overseas, the only difference being that the representation is on a smaller scale.

We have had many reports from ambassadors in the field that their respective establishments are larger than nec-

essary. Some of them said to me that they could do a better job if they did not have so many people cluttering up the embassy. They do not like to go on record as saying that. Being in the executive branch, it is not healthy for them to say it directly, but they have not hesitated to say it to me and to other members of the committee.

The purpose of this amendment was not to eliminate 10 percent of the Agriculture's personnel abroad or 10 percent of the personnel of any specific agency. It is to be an overall cut. So I would not have anticipated, if they used any judgment at all, that the Agriculture's personnel would be substantially effected. It may be that we have not studied every individual spot in Agriculture.

But at any rate, in order to clarify the situation, and because this is a relatively small item compared to the ones I have mentioned, I would be prepared to accept this amendment. As I said to the Senator from Oklahoma, I would not accept an amendment intended to completely delete the whole 10-percent reduction, because I think it is entirely justified by the record that was made. But on Agriculture I would, because I think it is fundamental, and those people have a direct responsibility quite different, in my view, and much more fundamental, than in a number of these cases I have just read.

I would expect, for example, that we could do without some of these military aides and military attachés, many of whom are in countries where there is no military problem for our country. As I remember, even in a country like Costa Rica, where the country itself does not even have an army, where we have no real business having them, we still have some military aid personnel.

Of course, those assignments are pleasant, with a minimum of duty, a maximum of leisure, and an opportunity to enjoy of nice climate. We have a surplus of military manpower, and they like to have a place to send them. All agencies like to have nontaxing assignments abroad. I mean this is not new, and I would not expect the military to be any different than the personnel in any other agency.

But I think Congress should try to control the proliferation of this type of activity. We know all the difficulties that have arisen out of the war; we seem to feel we have to keep up these over-large establishments in many countries. There are some countries that are important, that obviously ought to be staffed adequately, but there are a lot of them that we believe are overstaffed in accordance with legitimate needs. This provision was just intended to say to the executive branch. "You use your best judgment in cutting down. But you must cut it down 10 percent." This could not be properly interpreted as a direction to cut down each agency by 10 percent. Mr. President, I am willing to accept this amendment, exempting the Department of Agriculture.

Mr. HATFIELD. Mr. President, I am opposed to the reduction of the overseas work force of the Department of Agriculture as proposed in S. 3526, the Department of State-USIA authorization bill.

There is no question that some cuts can be made in the number of U.S. officials currently serving overseas, but I oppose making such cuts across the board, without an examination of the particular value of each department or agency.

Few areas could offer a clearer example of where cuts should not be made than exists with our foreign agriculture aides. I speak from personal experience, both as Governor and as a U.S. Senator.

U.S. agriculture attachés have helped officials of the State of Oregon in opening doors and creating demand for Oregon agricultural products, particularly in the Far East. I do not want action taken that would hinder the further activities of these officials.

During my 8 years as Governor of Oregon, I led two trade missions, one to the Far East and one to Germany, in an effort to develop new markets for Oregon products, and to make contacts for other exchanges of products and material. Not only were the agriculture attachés very helpful at the time, but they were active in followup efforts to create new markets for agriculture products from Oregon.

The farmers of my State shipped $25 million worth of wheat last year, and most of it went to Japan, which has become U.S. agriculture's best wheat customer. Wheat consumption in Japan has more than doubled in the last decade or so. I think it is fair to say that this dramatic increase by a traditionally rice-eating nation toward wheat consumption was aided greatly by market development programs spearheaded by USDA personnel in Japan. The same can be said of soybeans, feed grains, citrus, tallow, and other U.S. farm products. Japan is now a billion-dollar-plus agriculture customer of ours. Similar programs in other countries have been responsible for agriculture's other gains, but the competition has become fierce.

I will not belabor the obvious point that recent gains in foreign sales of U.S. agriculture products assist in our balance of payments. During a time when our balance of payments is in such a precipitous state, I question the wisdom of cutting out personnel who have been very active in an area contributing heavily to positive gains in U.S. balance of payments.

Added to the problems of increasing competition from other agriculture-producing countries have been the severe setbacks caused by the west coast dock strike. This forced Japan and other Pacific basin countries to turn elsewhere for commodities they needed. I know from conversations with agriculture growers and shippers in Oregon last fall that both Canada and Australia increased wheat sales to Japan during the strike. I need not point out that these countries are not going to hand back on a platter our share of those markets. We are going to have to compete for it, and cutting the staff of the men who will help makes no sense to me at all.

We must have an aggressive marketing program to recapture this business lost during the dock strike, and we must set goals for increasing our agriculture sales in the future. I recall a few weeks ago, when I was preparing testimony to give in support of the wheat and wheat foods research and promotion bill, finding out that consumption of wheat in the United States had shown a marked decline in recent years. This has been accompanied by an increase in per acre yield of wheat. Efforts must be made to increase markets for our wheat crops, as well as our other agriculture crops. Foreign sales are an important facet of any market increase, and to do this we need all the help we can get overseas.

At a time when we can look at an all-time high for agriculture exports—$7.8 billion in the last fiscal year—we should look for ways to add to this, and not cut back in an area where such positive gains can be shown.

Last week, I solicited a letter from the State department of agriculture in my State of Oregon. I know the talented men of this State agency have been committed to improving agriculture sales overseas for Oregon products, and I was interested in what they thought of this planned cutback.

I shall quote one paragraph from a letter from Mr. Jay Glatt, administrator of the agricultural development division. Jay Glatt is a man respected throughout the West as someone who has worked actively to promote foreign agriculture sales.

> As a result of this past dock strike it is now more important than ever that we maintain a man-to-man and day-to-day contact with our major overseas customers. The Agricultural Attaches and Foreign Agricultural Service provide that necessary liaison for overseas agricultural market development.

Mr. President, I ask unanimous consent that Mr. Glatt's letter be reprinted at the conclusion of these remarks.

This daily contact and followup plays a vital role in establishing and maintaining our foreign markets, and we must not cut back personnel in an area that makes these gains possible.

Naturally, my remarks today have been directed to the need to restore the Agriculture Department personnel, but I would be remiss if I were to focus exclusively on the Federal efforts to foster greater foreign agriculture sales. To do so would be to overlook the invaluable efforts of the private businesses, associations, and cooperatives in the Northwest that have been active—and even superactive—in promotion of foreign sales for Oregon and Washington agriculture products. In wheat, in grass seed, in feed grain, and in numerous other areas, businessmen have established their own people-to-people contacts, and generated much business.

While these commendable efforts in no way detract from the need to restore the Federal manpower, I do want to point out that private efforts, coupled with an active State program, offer a valuable three-pronged approach to increasing foreign agriculture sales in conjunction with Federal manpower.

In conclusion, I urge Senators to support the amendment offered by the distinguished Senator from Oklahoma (Mr. BELLMON). The amendment would restore the segment of our foreign U.S. Government personnel that has done

much to help the U.S. farmer in many ways, and to assist in showing a hefty surplus to our balance of payments.

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

OREGON DEPARTMENT OF AGRICULTURE,
Salem, Oreg., May 12, 1972.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HATFIELD: It has been called to our attention that Senate Bill 3526 dealing with 10% reduction in overseas personnel of the U.S. Government, except State Department, is out of committee.

We seek your concern as to the effect this has on agriculture, particularly at a time when we are in the process of recovering from the effects of a nearly disastrous dock strike.

As a result of this past dock strike it is now more important than ever that we maintain a man-to-man and day-to-day contact with our major overseas customers. The Agricultural Attache and Foreign Agricultural Service provide that necessary liaison for overseas agricultural market development.

Soon we will be into the harvest of a new crop with the potential, as in wheat, of being of bumper proportions, which must be moved in an orderly manner or will be subject to costly delays in export supply and deterioration of quality.

This crop, for instance, represents a $65 million farm value in Oregon alone, of which 85% is traditionally sold into export.

We bring this to your attention because of your concern in export markets both when you were Governor and now as Senator.

We appreciate your attention to this Senate Bill as it is vitally important that overseas agricultural personnel be maintained.

Sincerely,

JAY GLATT,
Administrator, Agricultural Development Division.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

Mr. ROBERT C. BYRD. I thank the Chair.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their assistants have been recognized under the standing order the distinguished Senator from Tennessee (Mr. BROCK) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion of the period for the transaction of routine morning business, the Senate will proceed to the consideration of the conference report on the supplemental appropriation bill, on which there is a time limitation of not to exceed 1 hour. The unfinished business, S. 3526, in the meantime will be temporarily laid aside. Upon the disposition of the conference report on the supplemental approriation bill the Senate will return to the consideration of the unfinished business, S. 3526.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

I wish to state that there could be a rollcall vote on the adoption of the conference report tomorrow. I have no indication of such at the moment, but Senators should be alerted to the possibility thereof.

Moreover, there could be rollcall votes on amendments to S. 3526, the unfinished business, during the afternoon tomorrow; and Senators understand that tabling motions are in order at any time and that a vote on a tabling motion with respect to any amendment can be had quickly, tabling motions being nondebatable. Senators, I repeat, ought to be alerted to the possibility of rollcall votes tomorrow.

ADJOURNMENT

Mr. HUGHES. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 5:05 p.m., the Senate adjourned until tomorrow, Thursday, May 18, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 17, 1972:

DEPARTMENT OF THE TREASURY

George P. Shultz, of Illinois, to be Secretary of the Treasury.

IN THE NAVY

Rear Adm. Robert E. Adamson, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice. Adm. Frederick H. Schneider, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Nels C. Johnson, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Evan P. Aurand, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

DIPLOMATIC AND FOREIGN SERVICE

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1972:

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1975:

David R. Derge, of Indiana.
Jewel LaFontant, of Illinois.
William C. Turner, of Arizona.

IN THE DIPLOMATIC AND FOREIGN SERVICE

Nominations beginning Richard J. Bloomfield, to be a Foreign Service officer of class 1, and ending John Stern Wolf, to be a Foreign Service officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 1972.

HOUSE OF REPRESENTATIVES—*Wednesday, May 17, 1972*

The House met at 12 o'clock noon.

Rev. Merrill W. Drennan, Metropolitan Memorial United Methodist Church, Washington, D.C., offered the following prayer:

O God, our Father, come nearer to us than we have ever known and stay with us through the deliberations of this day.

In these days when men freely judge and condemn each other, remind us of the words:

Judge not that you be not judged; for with the judgment you pronounce, you will be judged, and the measure you give will be the measure you get.

You, our Father, will know whether at the end of this day we will have been merely echoes, whether we will have done Your will or our own, or, worse still, have done nothing.

Hear us, our Father, as we pray for a freshness of spirit to renew our faith and to brighten our hopes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.