A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
E. (9) $50.

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A. De Melt E. Walker, 1730 Rhode Island NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $646.12.

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A. Jack A. Waller, 905 16th Street NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,375.

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A. Charles S. Walsh.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

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A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C. 20009.
B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.
D. (6) $2,884.62. E. (9) $2,335.75.

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A. Richard D. Warden, 1823 Jefferson Place NW., Washington, D.C. 20036.
B. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C. 20036.
E. (9) $9,295.65.

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A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md. 20015.
B. REA Express Inc., 219 East 42d Street, New York, N.Y., 10017.
D. (6) $450. E. (9) $150.

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A. Fred Wegner, 1125 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons-National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C. 20009.
B. Central Council of the Tlingit & Haida Indians of Alaska, Box 529, Juneau, Alaska 99801.
E. (9) $85.42.

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A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

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A. Lee C. White, Semer, White & Jacobsen, 1156 15th Street, Washington, D.C. 20005.
B. American Natural Gas Co. and subsidiaries, One Woodward Avenue, Detroit, Mich. 48226.
E. (9) $171.78.

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A. Robert E. Wick, 1800 K Street, NW., Washington, D.C. 20005.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $131.55.

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A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif., 94119.
D. (6) $500. E. (9) $50.

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A. Harry D. Williams, Suite 204-05, 1660 L Street NW., Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $250.

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A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

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A. William & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. C. Brewer & Co. Ltd., P.O. Box 3470, Honolulu, Hawaii.

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A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1260. E. (9) $15.25.

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A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa. 19107.
D. (6) $7,666.26. E (9) $7,844.51.

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A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $399.50.

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A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.
B. The National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750. E (9) $150.

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A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

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A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,829.60. E (9) $436.66.

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A. Robert C. Zimmer, Suite 220, 1775 K Street NW., Washington, D.C. 20006.
B. Charge Account Bankers Association, Suite 220, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $425.

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A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $1,415. E (9) $369.60.

# SENATE—*Wednesday, May 24, 1972*

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

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PRAYER

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

O God, in whom we live and move and have our being, help us in this moment of meditation to make this place a sanctuary for our souls and a holy of holies for the Nation. In these turbulent and perilous days, may our moral and spiritual power exceed all our physical might and military power. May our personal lives witness to Thy presence in us. While we give our energies to the practical duties of the day, keep us ever aware of the invisible and eternal values. Strengthen and guide by Thy higher wisdom the President and all others who strive for peace and justice in this world. May we ever hold high the cross of sacrifice and fly the flag of freedom until Thy kingdom comes and Thy will is done in all the earth. 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 24, 1972.*

*To the Senate:*

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

ALLEN J. ELLENDER,
*President pro tempore.*

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

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate a message from the President of the United States submitting the nomination of Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury, which was referred to the Committee on Finance.

## 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 bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the

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amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 619) providing for an adjournment of the House from May 24, 1972, until May 30, 1972, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 23, 1972, be dispensed with.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 765 and 766.

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

## JUDGMENT IN FAVOR OF THE ASSINIBOINE TRIBES OF INDIANS

The Senate proceeded to consider the bill (S. 3230) to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission Docket No. 279–A, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments. On page 1, at the beginning of line 4, strike out "(84 Stat. 1998)" and insert "(84 Stat. 1981)"; in line 7, after the word "expenses", strike out "and the costs of effecting the provisions of this Act,"; on page 2, line 2, after the word "Reservation,", strike out "Montana, and utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and the Congress." and insert "Montana."; and, after line 5, strike out:

SEC. 2. The Secretary shall prepare rolls of all members of the organized Fort Belknap Community and the organized Assiniboine and Sioux Tribes of Fort Peck who were born on or prior to and are living on the date of this Act and are of Assiniboine lineal ancestry. Persons in the following categories shall not be so enrolled: all those members of the Fort Peck Tribes who have participated in a distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the Fort Peck Sioux judgment in docket numbered 279–A; and all those members of the Fort Belknap Community who have a greater degree of Gros Ventre ancestry than of Assiniboine ancestry. Persons who have equal Gros Ventre and Assiniboine ancestry shall elect with which group they desire to be enrolled for purposes of this Act or any Act to effect the disposition of the Gros Ventre judgment in docket numbered 279–A.

SEC. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes; and none of the funds shall be distributed to persons other than those enrolled under the provisions of section 2 of this Act. Sums payable to enrollees under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will appropriately protect the best interests of such persons.

SEC. 4. No payment under this Act shall be considered as income or resources for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

And, in lieu thereof, insert:

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who possesses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal decent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payments: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

On page 5, after line 19, insert a new section, as follows:

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

On page 6, after line 5, insert a new section, as follows:

SEC. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

And, after line 10, insert a new section, as follows:

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes in Indian Claims Commission docket numbered 279–A, and the interest thereon, after payment of attorney fees and litigation expenses shall be divided equally between the Assiniboine Tribe of the Fort Peck Reservation, Montana, and the Assiniboine Tribe of the Fort Belknap Reservation, Montana.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a

member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who possesses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive per capita payments: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

SEC. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–799), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of S. 3230 is to authorize the division and disposition of judgment funds awarded to the Assiniboine Tribes residing on the Fort Peck and Fort Belknap Reservations in Montana. The funds have been appropriated, but cannot be used by the recipients of the award until authorized by Congress.

BACKGROUND

The Indian Claims Commission granted an award of $3,108,506.40 to the Assiniboine Tribes of Indians residing upon the Fort Peck and Fort Belknap Reservations, Mont., on June 30, 1969, in docket numbered 279–A. The award represents additional payment for the Assiniboines' interest in land in northern Montana equivalent to 3,885,653 acres, ceded under the Act of May 1, 1888 (24 Stat. 113). Funds to cover the award were appropriated by the Act of January 8, 1971 (85 Stat. 1981).

Docket 279–A involves awards to the Blackfeet-Gros Ventre, the Fort Peck Sioux and the Assiniboines. The Blackfeet represent the only single, organized, full successor entity to the aggrieved group. The Gros Ventre are largely intermarried with Assiniboines, and together form the organized Fort Belknap Indian Community. Assiniboines are very much intermarried with Sioux on the Fort Peck Reservation, and together comprise the organized Assiniboine and Sioux Tribes.

S. 3230 provides a method whereby the judgment may be divided between the Assiniboines on the two Montana reservations and distributed in a manner that will preclude the Sioux and Gros Ventre on the Fort Peck and Fort Belknap Reservations, respectively, from sharing in this award.

The bill provides for an equal division of the funds between the two successor entities of the Assiniboine Tribe of the last century, the Assiniboine Tribe of the Fort Peck Reservation and the Assiniboine Tribe of the Fort Belknap Reservation, both of Montana. These entities, as represented by their respective treaty committees, have agreed to an equal division of the funds, the Fort Belknap group by resolution of June 9, 1971, and the Fort Peck group by resolution of April 10, 1971.

After division, S. 3230 provides that the funds are to be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary and the Congress.

Section 6 of S. 3230 provides that no payment under the act shall be considered as income or resources for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act. A similar provision appears in Public Law 92–254, which dealt with the Blackfeet and Gros Ventre portions of the award in docket 279–A.

At the hearing before the Subcommittee on Indian Affairs on March 29, 1972, on S. 3230, the Assiniboine Tribe of the Fort Peck Reservation recommended several amendments to the bill. The proposed amendments were designed to parallel the provisions of the Act of June 19, 1970 (84 Stat. 313), which provided for the disposition of the Fort Peck Sioux judgment in docket 279–A, following the deduction of $50,000 to be set aside for reservation programs. The Assiniboine Tribe of the Fort Belknap Reservation testified in favor of S. 3230, and recommended that $100,000 of their share of the judgment be set aside for reservation programs with the balance of the funds to be distributed per capita to duly enrolled members of the tribe.

COST

No additional expenditure of Federal funds will result from the enactment of S. 3230.

AMENDMENTS

The committee approved amendments authorizing a set aside of $50,000 in the case of the Assiniboine Tribe of the Fort Peck Reservation and $100,000 for the Fort Belknap Assiniboines from the share of each tribe to be used for reservation programs. The balances of each group's respective share of the funds may be distributed per capita to their duly enrolled members, but the amount authorized to be set aside for reservation programs may not be expended until such time as Congress enacts appropriate legislation for such purposes.

The committee adopted the language from the conference report on S. 671 (now Public Law 92–254), to provide for the division and disposition of a judgment in favor of the Blackfeet Tribe, and the Gros Ventre Tribe, which clearly indicates that the per capita payments that are exempted from consideration as a financial resources in determining the extent of eligibility under the Social Security Act shall not be considered as a precedent.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends unanimously that the bill, S. 3230, as amended, be enacted.

## CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES

The bill (H.R. 1915) to provide for the conveyance of certain real property of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–800), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 1915 is to authorize the Secretary of the Interior to convey 33 acres of land to Mrs. Julian Souvenir of Cathlamet, Wash., and 7 acres of land to William D. Auld of Ridgefield, Wash.

NEED

The 40-acre tract in question is located in Wahkiakum County, Wash., and was originally patented to Richard Dick, an Indian, on December 28, 1888, under the Homestead Act of May 20, 1962. The patent provides that it is issued on the express condition that—

"Title shall not be subject to alienation or encumbrance, either by voluntary conveyance or by judgment, decree or order of any court, or subject to taxation of any character, but shall remain inalienable and not subject to taxation for a period of 25 years from the date hereof as provided by act of Congress approved July 4, 1884."

The act of July 4, 1884, made the Homestead laws applicable to Indians but provided that all patents therefor shall—

"* * * declare that the United States does and will hold the land thus entered for the period of 25 years, in trust for the sole use and benefit of the Indian by whom such entry shall be made * * * and that at expiration of said period the United States will convey the same by patent to the Indian * * * in fee, discharged of said trust and free of all charge or encumbrance whatsoever."

The subject patent was issued with no

reference to the trust relationship except the prohibition against alienation and taxation for a period of 25 years.

In 1892, Dick transferred 7 acres of the tract by warranty deed. Through various transfers this 7-acre tract is now held by Mr. Auld.

Dick died in 1899. Subsequently his land (33 acres) was claimed as escheated by the State of Washington. On April 27, 1936, the State of Washington transferred the 33 acres to Joe Souvigner, reserving to itself all minerals. In 1955 the Souvenirs conveyed 5.5 acres to the State of Washington for highway purposes.

In 1967, the Acting Associate Solicitor, Indian Affairs, Department of the Interior, ordered that "all assets of decedents' (Richard Dick) estate escheated to the United States to become part of the public domain," following a finding that Dick died without heirs, and that his estate consisted of "his public domain trust allotment" of 40 acres. These are the same 40 acres covered by the bill. This action was taken pursuant to the act of July 25, 1910, and the act of November 24, 1942. The 1910 act mentions only trust allotments while the 1942 act refers also to restricted homesteads.

The Department's determination that the land covered by this bill escheated to the United States upon the death of Richard Dick was based on the fact that his death occurred prior to the expiration of the 25-year period when the land was held in trust for said Dick.

The present claimants might have rights and privileges under the Color-of-Title Act, which might entitle them to administrative relief. However, their following the administrative relief route might not result in vesting of title, as this bill clearly would provide.

The land in question is located in an alluvial plain of the Columbia and Elochoman Rivers. Some of the land is being used as improved pastures, and the remainder is generally bushy and poorly drained. It has an estimated fair market value of $275 an acre. The only improvements on the land that would be conveyed to Mrs. Souvenir consist of fences and improved pasture. Mr. Auld has a small dwelling on the 7-acre parcel. The land and building were purchased for $1500 in 1967.

The land has little or no value for mineral production.

The conveyance would be made only upon payment of the value of the land, as determined by the Secretary of the Interior, but such value would be exclusive of any increased value resulting from development or improvements placed thereon by the applicant or his predecessors in interest.

Enactment of H.R. 1915 would clear up the present title problems surrounding this land and permits the present applicants to secure title to the land they purchased in good faith. The land is not needed by the Government for any Federal program. The Government would stand no loss as it would receive payment for the land conveyed.

It is the opinion of the committee that H.R. 1915 offers a fair and equitable solution to a difficult land title problem.

COST

No additional expenditures are involved in the enactment of H.R. 1915.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee unanimously recommends enactment of H.R. 1915.

## ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

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

## PERSONAL STATEMENT

Mr. GRAVEL. Mr. President, I am glad that the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) is in the Chamber, because I want to address myself to some comments he made, and some comments I made on his comments. This will afford him the possibility to make direct comments on my comments, which are comments on his comments.

I address myself to his comments on the floor with reference to my comments on his public statement that I had broken the law.

The minority leader is a distinguished person as an individual—not to speak of the fact that he is a U.S. Senator and also the minority leader.

I have here a page from the Anchorage Daily Times, a newspaper that has not been favorable to me. That is unfortunate from my particular political point of view, because it is the largest newspaper in Alaska. When they wish to oppose my actions they print a banner headline such as this one, which says "Senator GRAVEL Broke the Law."

That is an interesting banner headline, Mr. President, to have published in one's own State. I think any average citizen reading that would say, "My God, if GRAVEL broke the law, put him in jail. We should not let Senators go around breaking laws. That is bad."

So I think that the Senator from Pennsylvania, although probably not realizing it, certainly played into the hands of people who are violently opposed to my position, and compounded an error, the ignorance of which was demonstrated right here in this body, about the laws concerning secrecy.

There are no laws with respect to the classification system. It is an Executive order. But when the distinguished Senator from Pennsylvania says that there is a law broken with respect to the classification of documents, then this gives credibility throughout the Nation to that notion, mistaken though it is. This problem is compounded by editorials that also have appeared in the Anchorage Daily Times.

I ask unanimous consent to have one of the editorials, entitled "What Price Glory?" printed in the RECORD.

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

[From the Anchorage Daily Times, May 11, 1972]

WHAT PRICE GLORY?

If someone steals top secret documents from an executive agency of the government and hands them over to a newspaper or to a U.S. Senator and they reveal their contents, is that enterprise? We think not.

Yet Pulitzer prizes were awarded recently to a newspaper and a reporter who did just that. And now Alaska's U.S. Sen. MIKE GRAVEL is in the national spotlight for public attention because he, too, has done the same thing.

Senator GRAVEL is of concern to all Alaskans because he is their elected representative in the upper chamber of Congress. He is supposed to be representing them.

We don't think Alaskans sent him to Washington to accept stolen government secrets and reveal them to the public. We think Alaskans expected him to do something constructive for them and for the nation.

It is embarrassing when the leader of the Republican party, Sen. HUGH SCOTT, accuses our Senator of violating the law. SCOTT did that yesterday and his accusation went across the nation on the main news wires.

GRAVEL read top secrets in the Senate. SCOTT said he got them from "a betrayer" of the government and in revealing the secrets he violated a federal law.

The only reason the senator is not charged with committing a crime is that senators are immune from prosecution for what they say on the floor of the Senate.

It is also embarrassing for the journalism fraternity when the Pulitzer prize is used to reward those who accept stolen secrets and publish them.

The New York Times won an award for public service in publishing the Pentagon Papers. A columnist, Jack Anderson, was similarly rewarded for publishing the minutes of secret discussions among White House and other executives with respect to presidential policy. The minutes were stolen and "leaked" to Anderson just as the Pentagon Papers were stolen and "leaked" to the newspaper and the documents read by GRAVEL were stolen and "leaked" to him.

Even the trustees of Columbia University gagged on the recommendations of the advisory board on Pulitzer prizes and made known their disapproval publicly.

The Oregonian has declared that "somewhere along the line the question of ethics in journalism must be recognized along with ethics among those in government who lie, cheat and steal for their own purposes."

The newspaper sees the need for some new rules for the awarding of prizes for journalism as well as for overclassification of government papers.

To which we add, the same rules and ethics should apply to those who receive the stolen property.

Mr. GRAVEL. Mr. President, the editorial states that this is against the law. Let me precisely go over the statement made by my distinguished colleague from Pennsylvania who—I want underscored and state for the RECORD—is one of the persons I deeply admire as a Member of this body. He is one of the most skillful practitioners of the art of politics, which I look upon as a fine art and a reputable profession. Thus, I want to state my disagreement, which does not detract one iota from the skill the Senator from Pennsylvania brings to his office, or my own personal affection for him, apart from our participation in the deliberations of this body.

But, Mr. President, let me take to task his statement when I asked for an apology if no law was broken. He came back and said no apology was warranted, and in fact quite the opposite of an apology was warranted, which would mean severe disapprobation. Certainly he is entitled to that opinion. I do not question that. I have no quarrel with that and seek no agreement—not at all. What I do seek to rectify is his claim that I have broken the law. If I have not broken the law, then I would like an apology so that I can write to this newspaper in the State of Alaska and tell them that they are in error and hope that they will print a retraction—which I am sure they would

never do—with the same kind of screaming headline which they used when they said I did break the law.

There is no reference to breaking the law in the entire statement of the distinguished minority leader. There is reference to the Espionage Act. The language is very precise in the Espionage Act:

* * * which information the possessor has reason to believe could be used to injure the United States.

Mr. President, I released no information—then, or now, and never would—that would injure the United States.

If I did that, that would mean that I am a traitor, that I wanted to do harm to my country. If I did that, I should not be permitted to stand on the floor of the Senate. I should not be permitted to go free.

Obviously, that is not my intent. Any Senator that would stand up and say that is my intent is in violation of the rules, because in this Chamber we have a rule that does not permit a colleague to remonstrate concerning the motivations of another colleague.

Certainly my motivations were not to hurt the Senate and were not to hurt the country. I am sure that my colleague from Pennsylvania is aware of the rules within the Senate, to the effect that a Senator cannot impugn the motives of another Senator.

My motive was merely to give information to the American people. That is an opinion contrary to that of my colleague from Pennsylvania, who feels that I have violated the spirit of the rules of the Senate.

First of all, Mr. President, I would like to see the rules, the spirit of which I violated. I think it is quite to the contrary. I have not violated the rules of the Senate. In fact, I think I am performing my functions in the highest traditions of the Senate. I refer to the function as a member of a debating society, and as a member of a group which acts as a conduit of information to the American people, information that is so vital to the American people to exercise intelligently their franchise.

I feel that I have acted in the full spirit of my office as United States Senator. Mr. President, in respect to a violation of the law, I would like the Senator from Pennsylvania to point out where I have violated the law and how it has been violated. The statement has been made by the Senator from Pennsylvania on two separate occasions that I attempted to have excerpts from the NSSM papers printed in the RECORD in secret session after there had been a prohibition against the introduction of the material into the RECORD.

There was no effort by me to put the papers into the RECORD in secret session. There has never been a vote on the question. On the first occasion there was an objection by the Senator from Michigan to the introduction of the material. That is certainly not an expression of the will of the Senate. So to state that on two separate occasions the will of the Senate has been disregarded is I think, slightly in error.

I think the specific points I have disagreement with in the statement are still valid.

I think it is interesting that in the last statement made by the Senator from Pennsylvania, that Senators may ignore laws for which non-Members could be prosecuted, is subject to question. I disagree with the Senator from Pennsylvania. Others who are not Senators have done what I have done. They have not broken the law because there is no law. And if there is a breaking of the law, then I submit that the administration is very capricious and arbitrary in the enforcement of the law.

The New York Times has printed information similar to that which I have released; the Washington Post has printed information similar to that which I have released; and Newsweek magazine has printed information similar to that which I have released.

I would certainly not want to accuse the President or our Attorney General of dealing in selective justice, because I feel that people of integrity should be able to apply justice uniformly.

Jack Anderson also released that information, as well as information relative to the Pakistani papers. No one attempted to prosecute him.

The point is made that this information was not generally known in this body, and that it involves activities in the executive department and not within the Congress of the United States or within the fourth estate: the communications field.

Mr. President, we must rely on our own good judgment and on our own sense of morality as to what is best for this country. I am not prepared to defer as a citizen or as a U.S. Senator to any man as to what might be best for this country. My duty, which I have sworn to uphold, is to protect this Nation and the Constitution from within and without. I think that duty is met when I give information to the American people as to the threat that exists.

I think we have a duty to meet that threat, whether it be with respect to the military or the lives of Americans in Southeast Asia.

The Senator from Pennsylvania says that the NSSM papers of which he speaks are something relating to the U.S. military strategy.

I made that statement. I am glad that my colleague made that statement, too, because those studies to which I referred are more relevant now than when they were first undertaken.

I think it is important for the American people to know the underlying recommendations that the President receives relative to this position.

I am glad that the Senator from Pennsylvania rendered that service, to let us know that the President is working at cross-purposes with the intelligence community and with the best data that he could receive in that regard.

Mr. President, those are the comments that I have to make. I will still wait for an apology. I may have to wait my entire public career for the apology. However, I think that the Senator from Pennsylvania is a person of unusual character, of unusual integrity, and of unusual honesty. I hope that with time he will come to view the situation as I view it, from the facts.

I will not press for an apology if it can be shown where I violated the law. But I ask that it be shown me where I violated the law.

I think that as a U.S. Senator I am entitled to an apology so that we can get the record straight not only in the State of Alaska but also throughout the United States. I think it is important that the American people know these things.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks two articles that appeared in this morning's Washington Post. One is by Roger Wilkins, entitled "Children of Slavery—Parents and Black Liberation." The other is a letter to George Jackson from Angela Davis. I think that these articles shed great light on the attitude that exists on the part of white and black people toward discrimination. I see great merit in these articles. That is why I ask that they be printed in the RECORD.

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

(See exhibit 1.)

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks one other item of which I have spoken frequently. It seems that we start by saying something that is not credible. However, later the facts of the matter percolate to the surface for all to see. The article which I ask unanimous consent to have printed in the RECORD is entitled "Bombing of North Spreads to Nonmilitary Targets," written by Peter Osnos, and published in the Washington Post of today.

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

(See exhibit 2.)

Mr. GRAVEL. Mr. President, the article refers to the bombing that is taking place and being spread to nonmilitary targets. What moral justification can we have for this? There is no moral justification. In that electrical plant that is supplying electricity to Hanoi, civilians are working. And civilians are living around there. We have now adopted the theories adopted by Hitler in the Second World War, and that is open-city bombing. It was immoral then and it is immoral today when perpetrated by the United States of America. I am ashamed and disgusted as an American citizen to be a party to this. And I think the shame will live long, not only in American history, but also in the American psyche.

EXHIBIT 1

CHILDREN OF SLAVERY—PARENTS AND BLACK LIBERATION

(By Roger Wilkins)

The first "love letter" from Angela Davis to George Jackson introduced by the prosecution at Miss Davis' trial in California for murder offers an extraordinary glimpse into the mind of a young black woman as she struggles with one of the still live and anguishing legacies of slavery. During the late sixties, when young angry black rhetoricians lashed America because of three hundred years of oppression and recited the whole litany of slavery, the standard white response was, "What has this generation—white or black—to do with that period of our distant history?" But in writing to the man she loved, as a black woman caught up in the struggle for black liberation, Angela Davis had still to be deeply involved in the slow

black psychic climb up out of the slime and ooze of slavery. In this letter, excerpts from which appear elsewhere on this page, her issue is whether the survival techniques and the perceptions of black needs developed prior to 1865 and persisting even now are suited to the needs and demands of black society.

The problem Miss Davis confronts runs in an unbroken line from the defense mechanisms blacks developed for survival during the brutal and violent days when they were chattel straight into the guts and spirits of today's black parents struggling with the excruciating problems of raising their children in a still racist America—an America that seems to think it has done enough about the racial problem and is both weary of the issue and hostile even toward such minor innovations as busing and scatter site housing. She knows the parents will be tempted to be "overly protective" by dissuading their children from accepting the "burden of fighting this war which has been declared on us," on the one hand while seeing the need to hand the sons of the race a "flaming sword" on the other.

During slavery, both black men and black women performed as beasts of burden from dawn to dusk, but in a very substantial measure, that was the man's sole function. In order to turn men into beasts, it was imperative for the society to keep them docile. Male slaves could be murdered, punished brutally, sold down the river away from family and friends and have their faces pressed into the mud in hundreds of other more subtle ways until manhood was little more than a scream of anguish that died in the throat before it was heard.

Women seemed less threatening and were thus often given positions of trust at the mouths of white babies, and in the kitchens of the great houses or of sexual servitude, to master, master's son, overseer or visiting fireman. The women did what they had to do for their own survival and to protect children, husbands and friends. They saw clearly the perils in store for the black manchild and, over generations and centuries, they devised ways to raise their boys to survive in the world they knew: "Keep your nose clean, hang back, work hard, succeed, escape, become 'non-nigger'."

After slavery, little changed in those patterns. The black male was still systematically degraded. Women could get jobs because people needed domestics and the American fantasy grew enough to include a black woman teacher, nurse or social worker, but could not encompass a black male supervisor or executive. Meanwhile, up through the black revolution of the sixties, black mothers kept teaching the same old survival course to their children. They did so, partially because their own paths to progress were blocked and so they poured all of their hopes and all of their ambitions into their children, and partially because they wanted to save the children from both named and unknown perils.

Then came the revolution of blackness during the late 60s and the rise of black male consciousness. Cultists and others, raging at an abundance of injustices—many real, some imagined—began firing at any moving target. Black women loomed large in many sights; they were told "you have crushed our manhood and bled us of our blackness. We are men now and are prepared to take care of business while your role is to keep quiet, succor and love, while I fight and define my blackness."

This is where Miss Davis parts company with much of the new black thought. She clearly understands the parental instinct to protect the cub, but she knows that the old survival patterns no longer work, for even when they do "work", they often produce individualistic, white-like people, alienated from the black experience, people who stand alone, above and aside, identifying with little of the pain and soaring with none of the joy of engagement and occasional victory. The struggle, as she says, must now be collective. Renewed white resistance coupled with the still abysmal circumstances of the lives of at least half of black America requires a strategy of more ingenious and diversified black initiatives springing from both the talents and needs of a more unified black community than has ever previously existed.

Whether Miss Davis was speaking metaphorically when she talked about squeezing rather than jerking the trigger and rejoicing over the running blood of a policeman is something a jury in San Jose will soon begin to ponder. But no one who walks the streets of the poorest black communities in this country can doubt that desperate struggles, the contours of which are yet unknown, lie ahead. Eyes in black spirits see what white blindness and indifference fail to perceive: alleys where children play amidst rubble and wine-soaked bodies, tenaments where families sleep eight to a room, grammar schools where heroin pushers peddle their wares to ten year olds and empty shells lurching along streets where men should walk. Nor is there any doubt about the rage such sights engender in the core of every black with a living spirit, whether or not that age is articulated as openly as Miss Davis does in her letter.

Nor can he believe that there is an asset anywhere more precious to the future of black America than her children. Each mother will struggle with the knowledge of the pain that lies ahead for her child. Her instinctive desire to erect an iron protective mechanism around his spirit will do fierce battle with her knowledge that the black community needs him to live his life at full throttle and great risk while pouring his main force into the struggle for black liberation. If the parents choice is the latter, Miss Davis is right. That race of giants won't be developed by strong men and crippled mothers. Rather, it will arise from families headed by two whole human beings who set examples by being fully engaged in the most serious business of America, and who have the full courage to grow and to launch the child in the hope that none of them—whether parent or child—will flinch in the face of the awesome challenges that are sure to come.

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LETTER TO GEORGE JACKSON—ANGELA DAVIS: STRUGGLE, SURVIVAL

It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness; I have come to love you very deeply, I count on you to believe me, George. I have used these words very seldom in my 26 years—because I could not have meant them very often. Believe me, it happened so abrupty, so spontaneously. I was not seeking to love when I walked into a Salinas courtroom on Friday, May 8, 1970. But one thing remains to be said—my feelings dictate neither illusionary hopes nor intolerable despair. My love—your love, reinforces my fighting instincts, it tells me to go to war . . .

Concerning black women: I am convinced that the solution is not to persuade the black woman to relax her reins on the black male, (but to translate) the "be a good boy" syndrome into a "take the sword in hand" attitude . . . to take our first step towards freedom, we, too, must pick up the sword. Only a fighting woman can guide her son in the warrior direction. Only when our lives—our total lives—becomes inseparable from struggle can we, black women, do what we have to do for our sons and daughters . . .

My mother was overly protective of her sons and daughters. I could never forgive her for forcing my brothers (us, too) to take dancing lessons. George, we must dig into all the muck and get at the roots of our problems . . . When we are overly protective, we attempt to dissuade our loved ones from accepting the burden of fighting this war which has been declared on us, we cannot be dismissed as counter revolutionary. You'd be surprised how many brothers would say this. Nor can it be said that we ought to blot our natural instincts for survival. Why, why, is our conditions so wrought with contradictions? We, who have been coerced into performing the most degrading kinds of labor—a sex machine for the white slave master. Rather than helplessly watch her children die a slow death of starvation, my grandmother submitted to the white master, my father's accursed father . . .

To choose between various paths of survival means the objective availability of alternatives. I hope you don't take this as an apologetic stance. I'm only trying to understand the forces that have led us, black women, to where we are now. Why did your mother offer you reprimands instead of the flaming sword? Which is equivalent to posing the same question about every other black woman—and not only with respect to the sons, but the daughters too, this is really crucial. In Cuba last summer, I saw some very beautiful Vietnamese warriors . . . all female . . . I saw women patroling the streets with rifles on their backs—defending the revolution. But also, young companeras educating their husbands and lovers—demythologizing machismo. After all, if women can fight, manage factories, the men ought to be able to help with the house, children.

But returning to the question—we have learned from our revolutionary ancestors that no individual act or response can seize the scepter of the enemy. The slave lashes out against his immediate master, subdues him, escapes, but he has done nothing more than take the first step in the long spiral upwards towards liberation. And often that individual escape is in evasion of the real problem. It is only when all the slaves are aroused from their slumber, articulate their goals, choose their leaders, make an unwavering commitment to destroy every single obstacle which might prevent them from transcribing their visions of a new world, a new man onto the soil of the earth, into the flesh and blood of men.

Even dreams are often prohibited or are allowed to surface only in the most disguised and sublimated form—the desire to be white, the monstrous perverted aspirations of a so-called black bourgeoisie, created to pacify the masses. And then there is the unnatural system-oriented desires of a black woman who is relating to the survival of her children . . .

The point is—given the vacuum created by the absence of collective struggle, the objective survival alternatives are sparse: ambitions of bourgeois gluttony or—like you said—unconscious crime. One path goes in thru the front door, the other sneaks in thru the back and is far more dangerous and seemingly far less likely to reach its destination . . .

A mother cannot help but cry out for the survival of her own flesh and blood. We have been forbidden to reach out for the truth about survival—that is a collective enterprise and must be offensive, rather than defensive . . .

Frustrations, aggressions cannot be repressed indefinitely . . . For the black female, the solution is not to become less aggressive, not to lay down the gun, but to learn how to set the sights correctly, aim accurately, squeeze rather than jerk, and not be overcome by the damage. We have to learn how to rejoice when pig's blood is spilled. But all this presupposes that the black male will have purged himself of the myth that his mother, his woman, must be subdued before—he—can wage war on the enemy. Liberation is a dialectical movement—the black woman can liberate herself from all the muck—and it works the other way around and this is—only—the beginning . . . Women's liberation in the revo-

lution is inseparable from the liberation of the male . . .

Jon and I have made a truce. As long as I try to combat my tendencies to remind him of his youth, he will try to combat his male chauvinism. Don't come down on me before you understand—I never said Jon was too young for anything, I just mentioned how incredible it is that in spite of a Catholic school, Georgia, etc., he refused to allow society to entrap him in adolescence. But still, he doesn't dig any mention of age.

The night after I saw you in court, for the first (time) in months, I dreamt (or at least the dream was significant enough to work its way into my consciousness). We were together, fighting pigs, winning. We were learning to know each other.

I love you . . .

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EXHIBIT 2

BOMBING OF NORTH SPREADS TO NONMILITARY TARGETS

(By Peter Osnos)

SAIGON, May 24 (Wednesday).—U.S. Air Force and Navy jet fighters carried out their heaviest raids so far on North Vietnam over the weekend, expanding again the scope of their targets and the range of the attacks, the U.S. Command said Tuesday.

An average of more than 330 strikes a day were flown in a three-day period ending Monday evening, the command said, including attacks on bridges and rail lines only 40 miles from the border of China.

In addition to the strictly military installations and transportation facilities that had been the principal targets up to now, the command confirmed that a power transformer eight miles northwest of Hanoi had also been attacked.

[Several thousand South Vietnamese marines launched a combined amphibious and helicopter assault Wednesday on the coastal strip called the "Street Without Joy" east of Quangtri City, AP reported.]

Senior U.S. officers said the justification for hitting the power plant was that it supplied electricity to many truck repair shops and small factories in the Hanoi area providing war-related services. They said the transformer was 75 per cent destroyed.

Well-informed American sources said a cement factory in the vicinity of the port city of Haiphong was also hit, but this raid was not included in the command's latest listing of bomb damage.

[In Washington, Defense Department spokesman Jerry W. Friedheim confirmed the bombing of nonmilitary installations and said U.S. bombers "will be hitting some of the other targets, such as power plants and some of the industrial facilities which support the military effort of the north."

[Friedheim told newsmen that U.S. commanders "probaby have more flexibility in their targeting than was exercised in the 1967–1968 period."]

The renewed regular bombing of North Vietnam, code-named "Linebacker" by the Pentagon, coupled with the mining of the country's seven ports and, heavy naval bombardment has now surpassed anything mounted by the United States in past years.

Despite failures in the previous bombing campaign to stop the flow of men and equipment to the South, officers believe this time the effect will be greater. "We are doing better," said one very senior commander. The greatest impact on Hanoi's war-making capability, U.S. officers believe, will be the failure to get supplies from the sea routes, a direct result of the U.S. mining of harbors.

[The official North Vietnam News Agency said antiaircraft crews and planes shot down eight American warplanes over North Vietnam, four of them over Habac Province, UPI reported.

[U.S. Air Force and Navy fighters shot down four Soviet-built Mig interceptors over North Vietnam Tuesday, AP reported, citing U.S. military sources.

[Communist gunners fired 14 rockets into Bienhoa airbase, 15 miles north of Saigon, overnight, Reuter reported. First reports said one South Vietnamese soldier was killed and 15 persons, including four U.S. servicemen, were wounded.]

In the two weeks since "Linebacker" began, Hanoi and Haiphong have been hit as many times as they were in the 1965–1968 period, according to the informal records of military statisticians.

"There is nothing inviolate," said one ranking officer responsible for the conduct of the air war. "If someone says we want that target up there . . . we go get it."

Moreover, the commanders maintain that the bombing is substantially more effective than it was in the past because of improvements on the conventional 2,000–3,000-pound bombs that have been fitted with laser-guided and electro-optical bombing devices. These bombs can be released from altitudes as high as 20,000 feet and still score accurate hits in up to 80 per cent of the strikes, Air Force journals have reported.

The "smart bombs" have been responsible for the success in knocking out bridges, rail lines and other targets that had once proved troublesome to pilots who kept having to come back to them.

The important rail and vehicular Thanh Hoa Bridge, 80 miles south of Hanoi, for example, was struck many times in 1965–68, but never rendered useless for a significant time period.

The bridge was hit again on May 13 and the Air Force maintains it has been put out of action for the foreseeable future.

"The simple fact is that he (North Vietnam) can still repair these things," said a senior Air Force officer, "but I can take them out in just a few minutes. It takes about two minutes for each bridge. It's a relatively clean, surgical operation. Bombing is very precise with these weapons."

The officer said that the attacks 40 miles from China destroyed six bridges with only eight planes.

"Smart bombs" have been in the Air Force and Navy arsenals for as long as two years, but they were not used extensively in operations over the Ho Chi Minh Trail or inside South Vietnam. Other high-priced equipment—computers, sensors and the like—is also credited with improving results.

While commanders maintain that fewer planes are now necessary to accomplish greater objectives, they are at no loss for assets. Since the buildup began in mid February, air strength in Southeast Asia has risen to the level of the peak years of "Rolling Thunder."

Fighters and bombers operate from six bases in Thailand, (one was recently reopened), anywhere from five to seven aircraft carriers and some B–52s are based on Guam. There are Air Force and Marine squadrons based at Danang and Bienhoa, inside South Vietnam.

Through careful manipulation of the manpower commitment, Pentagon planners have managed to avoid sending so many people to South Vietnam that the steadily dropping troop strength figures would be reversed.

Many of the additional planes (the overall total is about 1,100) are deployed inside South Vietnam where the air offensive also continues to expand. The total number of sorties in May is likely to come close to the figure for May, 1968, the highest of the war. That month, the daily average was about 400.

Tuesday, Air Force and Navy jets flew 426 sorties. For the entire month of January, 1972, 169 U.S. sorties were flown inside South Vietnam.

Mr. SCOTT. Mr. President——

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin was to be recognized.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 1 minute remaining.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Pennsylvania with the understanding that I may get the 3 minutes back from the acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent also that the Senate have the 1 minute remaining to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania will be recognized for 1 minute from the time of the Senator from Alaska and 3 minutes from the time of the Senator from Wisconsin.

Mr. SCOTT. Mr. President, we must all presume to be responsible for the reasonable consequences flowing from our actions. And that, of course, includes newspaper publicity.

I have filed a bill of particulars, and I filed it on the same day that my friend, the Senator from Alaska, filed his complaint about me. It was not carried in the press because I filed it late in the day. So, in order to show my reply, which is in great detail and should have appeared in the same newsstory, I ask unanimous consent that my statement made at that time may appear in the RECORD at the conclusion of my remarks.

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

Mr. SCOTT. Mr. President, I was not the one who made reference to the documents being classified as secret. That statement was made by the Senator from Alaska, who said:

> I presume that document is classified "Secret"; in fact, I have every reason to believe it is classified "Secret." I know it is classified "Secret."

Title 18 of the United States Code, pages 4240 and 4241, states the offense of having unauthorized possession or access to documents of this nature. I quote the entire section in this statement and the penalty therefor.

Moreover, section 793(d) of title XVIII quotes the penalty for "whoever, lawfully having possession of, access to" these documents delivers or otherwise makes public these documents is guilty of an offense under the Federal Code.

Now, as to the effort where I said the Senator twice tried to get these documents in the RECORD, I am referred to the Senator's statement where he said:

> I have tried to get these documents in the Record. The areas that I quoted today were not quoted previously on this floor or in the newspapers.

I made the distinction that a Senator has certain immunities from prosecution and, therefore, it is possible to violate the law and not be prosecuted for it because we cannot be held responsible in any other place for what we say on the floor. This places on us a considerable burden to be careful what we say on the floor, but there can be violation of law without prosecution for it, and that is the sort of case I am addressing myself to.

I am saying that title 18 provides or enumerates certain violations of the criminal law.

By the Senator's statement he did have classified documents of great interest, importance, and import to the security of the United States. He did make the statement that these actions, to which he took exception, were at that moment being employed in Vietnam. Therefore, the matter was current. He was not merely relating history.

Mr. GRAVEL. Mr. President, will the Senator yield so I could make a point?

Mr. SCOTT. If the Senator will be brief.

Mr. GRAVEL. As I remember the code, it speaks clearly of information the possessor has reason to believe could be used to injure the United States. I have no reason to believe this would injure the United States; I think it would help. How can I be in violation of the law?

Mr. SCOTT. I understand the Senator's point. I think it is for the American public to judge, including newspapers that published the story, whether the release of information of this kind would be harmful to the security of the United States.

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

Mr. SCOTT. I regret that there is not more time but I think the bill of particulars has been furnished.

EXHIBIT 1

Mr. President. Earlier today when I was absent from the Chamber, the senior Senator from Alaska, Mr. Gravel, took issue with a statement I had made to the effect that the public release of certain material by him was a violation of law.

The Senator asked that it be conveyed to me that he requested either a bill of particulars regarding the violation or if not that, I issue to him a public apology.

Mr. President, I have no intention of apologizing to the Senator from Alaska for any statement I may have made regarding his unlawful release of documents in his possession. Further, Mr. President, since the Senator has raised the issue I would like also to note that I believe the view to be widely shared that if not the letter, then surely the spirit, of the Senate Rules was bypassed by his placing in the RECORD excerpts from the document that on two separate occasions the Senate in secret session has prohibited him from introducing into the RECORD.

This, Mr. President, is action by a Senator which ought not to be condoned, action which was taken without any notification to the Leadership of either party of his intent to engage in this particular action.

Any Senator who so flagrantly flaunts the will of the majority of his colleagues as did the Senator from Alaska is not entitled to an apology. Rather, the contrary is true.

In regard to a Bill of Particulars relative to a violation of Federal law, I quote from § 793 (e) and (f) of Title 18 of the U.S. Code:

"Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it. . . . Shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

The Senior Senator from Alaska admitted on the Floor of the Senate that he knew these documents to be classified. I quote from page 16418 of the RECORD where the Senator states:

"I presume that document is classified 'secret.' In fact, I have every reason to believe it is classified 'secret.' I know it is classified 'secret.' "

The Senator also stated, in relation to the material he read on the Senate floor that day:

"I have tried to get these documents in the *Record*. The areas that I quoted today were not quoted previously on this floor or in the newspapers."

These classified materials related directly to the potential efficacy of the military strategy being employed *at that moment* by the United States in Vietnam. These classified materials commented directly on possible means of thwarting the United States military strategy that was *at that moment* being employed in Vietnam. Anyone publicizing such classified material must know that it "could be used to the injury of the United States or to the advantage of any foreign nation."

Finally, even if it be argued that the senior Senaotr from Alaska had lawful possession of these classified materials, his actions were still in violation of § 793(d) of Title 18 of the U.S. Code, which states:

"Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it . . ."

While a Senator benefits from certain immunities from prosecution, the laws and their penalties apply to all. That Senators may ignore laws for which non-members of Congress could be prosecuted suggests that, if the privilege is relied upon, the wisdom of the default is subject to fair comment.

Mr. GRAVEL. Mr. President, would the Chair recognize me briefly?

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 1 minute.

Mr. GRAVEL. If the bill of particulars falls on this general issue of intent, I think the only way to respond is for the Senator from Pennsylvania to come forward with a bill of particulars with respect to what harm the release of the papers does to the security of this country; otherwise, it is faulty.

Mr. SCOTT. The Senator from Ohio will address himself to that later. I have no more time.

## AN EVALUATION OF HIGHER EDUCATION SUBSIDIES

Mr. PROXMIRE. Mr. President, in the course of the past few months, as the Joint Economic Committee has compiled information on the multi-billion-dollar Federal subsidy programs, a pattern has emerged in many of our case studies. Federal subsidy programs in many fields suffer from the same weaknesses:

They are not well targeted on the neediest groups, resulting in waste and windfall gains;

They have often only the vaguest of purposes making it impossible for Congress to judge their effectiveness;

There is duplication of effort as old programs never die and new programs fade in; and

More and more, Federal subsidies are being built into the Federal budget in uncontrollable form, leaving Congress with little margin to respond to new needs and set new priorities.

The problems in Federal aid to higher education are no exception to this list. Existing aid programs in the undergraduate area spread benefits in a helter-skelter fashion unrelated to any particular goal. The subsidies are granted by a host of agencies in an entirely uncoordinated fashion and some of the fastest growing programs are ones over which the Congressional appropriations process exercises little control.

As part of its continuing series evaluating Federal subsidy programs, the Joint Economic Committee has commissioned two studies of Federal higher education policies. The first paper—"Federal Aid to Higher Education: An Analysis of Federal Subsidies to Undergraduate Education"—was prepared by Prof. David S. Mundel of the John F. Kennedy School of Government at Harvard University. In this study, Professor Mundel develops guidelines for judging Federal higher education policy and uses these guidelines to evaluate the desirability of existing Federal programs. Regrettably, this evaluation places the desirability of current policy severely in doubt.

Professor Mundel outlines two general criteria on which policy should be judged—Is the policy appropriate? Is the policy effective? A Federal higher education policy is appropriate if it directs resources toward the highest priority students and institutions. A Federal higher education policy is effective if it directs resources toward those students and institutions whose educational behaviors can most significantly be improvided by these incentives.

Both of these criteria strongly favor policies which target most of their resources and attention on low and moderate income youth. Yet only a small fraction of the Government's higher education resources are targeted in this way and even several of these programs have operating characteristics which severely limit their impact. This comes

as a surprise to many Senators and to many in the general public who are taxpayers.

In brief, as Professor Mundel so carefully documents, existing Federal higher education policy is both inappropriate and ineffective. To me, this is as great a financial crisis as that so often expressed by higher education institutions themselves, and it is perhaps one on which we in the Senate can more fruitfully operate.

As Professor Mundel describes, the largest share of Federal subsidies to undergraduate education result from programs which provide funds directly to colleges and universities. These programs include direct appropriations, support for specific educational activities, and support for research conducted within universities and university-operated contract research centers. Although not all of these programs support undergraduate education directly, they often provide funds which can be and are used to subsidize undergraduate programs.

The desirability of this type of higher education subsidy is highly questionable. The average subsidy received by low income students is less than two-thirds of that received by students whose families have incomes in excess of $30,000. In every instance, the subsidy increases with increasing family income. This pattern results from the targeting of the programs on institutions with low enrollment of lower income students. In order to be appropriate and effective higher education subsidies should be concentrated on the neediest youth, and almost no institutionally oriented program is likely to accomplish this concentration.

A second major set of sources of Federal subsidies are student aid programs. Although these programs are explicitly targeted toward lower income youth, Professor Mundel outlines several of their operational characteristics which may limit their impact on these students. Work-study programs are widely considered to provide subsidies to lower income students, but to a considerable extent they really subsidize institutions in general, and consequently higher income students, because they lower the amounts which institutions must pay for the outputs of student workers.

If we in the Congress favor, as I do, the combination of work with college study, we should support curricula that effectively combine these activities and make them available to all students.

The administration of the flow of Federal student aid resources through colleges and lending institutions also limits their effectiveness. Lower income high school students need some assurances about college financing if they are to plan confidently to continue their educations. The operational character of current student aid programs inhibits such confidence and thus the subsidies provide ineffective incentives for changes in college-going behaviors. In brief, existing Federal student aid programs are appropriate but ineffective subsidy instruments. They are appropriately targeted on lower income youth, but their effectiveness is limited because of the uncertainty a student faces over whether he will be eligible.

Professor Mundel describes two additional sources of higher education subsidies which have, to my knowledge, never been adequately considered before. These are the Federal income tax system and the social security system. Each provides significant quantities of subsidies. The income tax system provides subsidies by:

Allowing private gifts to colleges to be tax deductible;

Allowing parents to claim college students as dependents even though they file tax returns themselves, and

Allowing scholarships and grants to be tax exempt.

The major share of these tax subsidies is accounted for by the first two programs and each of these gives larger subsidies to higher income students. For example, the average tax saving for a low income family as a result of the double exemption provision is $4 while a family with income in excess of $30,000 will save an average $70. Recent increases in the exemptions for dependents increase these differences.

The social security system provides resources for dependents of deceased, disabled, and retired workers who are enrolled in college. These subsidies are targeted toward lower income students, but the subsidies are quite small and only a small percentage of low income students are eligible.

One major problem of both the tax subsidies and social security benefits is that they are uncontrollable within the context of higher education policy making. Changes in the amount of dependent exemptions "spend" sizable quantities of higher education resources through the tax system, but are unlikely to be considered in competition with other higher education allocations. Similar patterns govern higher education resources allocated through the social security system. The uncontrollable nature of the higher education "expenditures" resulting from these programs makes their appropriateness and effectiveness largely matters of chance.

But Federal higher education policy is too important to be left to chance. Professor Mundel's analysis shows the results of a chance process and the end product cannot be viewed as favorable by any reasonable observer. A higher education policy which provides essentially equal subsidies to students from both rich and poor families is neither appropriate nor effective. More careful consideration must be given to the development of future policies. Moreover, many of these old programs should be eliminated to the extent that they will be replaced by new programs.

This year Congress has the opportunity to right many of the flaws in the existing programs for higher education. I am pleased to say that contained in the Senate-House conference report are some path-breaking provisions that could bring order to the Federal subsidy picture in higher education. At the same time, the bill contains provisions that could worsen the basic flaws in existing programs, resulting in continued waste of Federal funds. The compromises reached by the conference and the administration of the provisions will determine whether subsidies in this critical area will fulfill legitimate goals, or serve no master at great expense.

In a study for the Joint Economic Committee of the bills just considered by the conference, Robert W. Hartman, a senior fellow in economics at the Brookings Institution, has clarified the benefits and the costs to be derived from the proposed new Federal subsidy programs. Dr. Hartman's report was prepared before all the conference compromises were reached, but it is useful, nevertheless, as a guide for future appropriation, administration, and emendation.

The most important element in the act is a new program of basic educational opportunity grants. The objective of this program is to provide every student with enough money to attend a college costing $1,400. Federal subsidies would be paid to supplement the student's own and his family's contribution. This approach to aiding higher education is long overdue in this country—it focuses Federal dollars on the students who need it most and whose college-going behavior is most likely to be affected by Federal subsidies.

But the new basic educational opportunity grant program, as Dr. Hartman points out in his study, is not without flaws.

First, a provision limiting a student's assistance to no more than half the cost of attendance at college will tend to reduce the subsidies to low-income students who attend public institutions and to middle-income students who attend public community colleges. The effect of this provision is to reduce the targeting of Federal funds for the neediest students.

Second, the distribution of basic grant subsidies among students from various parental backgrounds will depend critically on how the Commissioner of Education determines eligibility for grants and how grants will be adjusted to reflect less than full funding. Depending on the schedules chosen the Federal program may cost as little as $900 million to as much as $2 billion; students from families with below $5,000 incomes may receive as little as 25 percent of all the Federal subsidies to over half the funds if alternative provisions were selected.

Basic grants to students represent a philosophy that I share: That every child in America should have the opportunity to attend college, limited only by interest and ability, not by wealth. But carrying out that philosophy requires intense scrutiny in the legislative process and in subsequent administration of the laws. Dr. Hartman's paper discusses the technical considerations involved in achieving the objectives of the basic grant program and I hope all interested parties will examine it carefully as this program comes into being.

By contrast with the clear equality of opportunity purpose of the basic grant program, the conference committee also considered a bewildering assortment of institutional assistance provisions. The most costly of these was a proposal in the House bill to give aid to every college in the United States, based on their enrollment. Dr. Hartman has put a price

tag of over $1.5 billion on this program, which he describes as a "response seeking a stimulus." What public purpose is served by doling out $1.5 billion in unrestricted form to institutions of higher education?

Some people might respond to this by asking whether the Federal subsidy to Lockheed made any more sense. To this I would answer a definite "No." But Lockheed cannot be the standard for assessing the need for public subsidy programs.

Even now that the compromise institutional package has been agreed to, some plain talk about college financing is needed. Congress is, and should be, sensitive to the real financial pinch faced by most college administrators today. We know that college budgets are rising, that State legislators are becoming tightfisted, and that many institutions are in danger of pricing themselves out of the market. We know too that colleges cannot be given unrestricted Federal subsidies to plug the hole in the dike. To respond to a crisis in this way would be to waste an opportunity for the Federal Government to do something about the causes of the trouble—and waste that opportunity in an expensive manner with no end in sight to pleas for more aid.

The fundamental cause of the school finance crisis is that past Government education assistance has created a long-term structural imbalance between the prices of public and private institutions. As many observers have pointed out, the tuition gap between public and private institutions has been growing and this has made it difficult for private institutions to attract students. The major reason for the growing tuition gap is the policy of States to channel nearly all State-financed education subsidies into public institutions, which allows the public sector to keep tuition below the market prices of private institutions.

Instead of altering the situation by moving toward unrestricted aid to colleges, the Congress would first of all be better advised to put the funds into the new basic grants program I referred to earlier. Second, a provision in the new act to give States an incentive to expand their State scholarship programs would offer some real solutions to the difficulties faced by our private colleges and universities. Private higher education cannot prosper in the future unless State governments begin to aid students in private as well as public institutions. The provisions for State scholarship incentives represent an important use of Federal subsidies: to change the behavior of State governments in a socially useful direction. These incentive effects are discussed in detail in Dr. Hartman's study.

One of the great concerns of all public officials, myself included, is that children from middle income homes not be left out in the cold as we restructure our higher education financing programs. Grants must be limited to lower income students under the strict budget outlook facing the Congress and wealthy homes can take care of the higher education needs of their children. For the group in between Congress has provided over the past 5 years a federally insured loan program, which has grown rapidly to over $1 billion in loan volume in the current year.

This program is now at a crossroads. In the new education amendments, there is a provision for a new federally chartered secondary market institution to be dubbed Sally Mae. This new institution could greatly increase the volume of funds to be made available to students and it deserves strong public support. At the same time, interest subsidies have been built into this program that save the students who borrow under it a few percentage points in interest. These few percentage points have translated into a wholly uncontrollable Federal budget outlay of about $200 million at present and, according to Hartman's JEC paper, could reach $600–$700 million in a few years, especially with the bill's amendments. Once again a sensible public goal of providing access to capital for all students has been mixed up in legislation with a subsidy, whose huge cost is hidden, and which serves no great public priority.

With potentially billions of dollars flowing out in student grants, institutional payments, interest subsidies and the like under the new legislation, the time has certainly come to reexamine how existing support programs will fit into the new financial structure of higher education. For this reason, I was disappointed to see that the conference locked the Congress in by requiring that $653 million be appropriated for existing student aid programs before any appropriations can be made for the new basic grants. This form of restraint has no logical basis and it will make the funding of higher education subsidies a terribly difficult problem in the years to come.

We have seen in the area of public assistance what a chaotic mess Federal programs can create when entirely separate decision processes go into creating an AFDC program, a food stamp program, a medicaid program, and several public housing programs. So far, there is somewhat less to untangle in higher education, but we must be vigilant to avoid a replay of the welfare disaster. This means that old programs grown obsolete by the introduction of new and better programs, must be allowed to wither and die. This is never an easy job for a political leader, for old programs have a constituency. In the case of higher education, I hope it is not unreasonable to believe that the old constituencies can coalesce around the best features of the new higher education bill and insure that future subsidies in this vital area will allow American higher education to fulfill its proper role.

The two studies I have referred to today are soon to be published by the Joint Economic Committee. I have chosen to discuss them before publication because they contain information and analysis that bear directly on the higher education legislation the Congress is considering at this time. I hope that my colleagues in the Congress will examine these studies carefully—they contain much more than I have been able to discuss today—as they make their decisions on the future course of higher education subsidies. I ask unanimous consent to place in the RECORD Dr. Hartman's study analyzing these various legislative proposals. Dr. Mundel's evaluation of existing higher education programs will be available for review in the Joint Economic Committee's offices until final publication in June.

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

HIGHER EDUCATION SUBSIDIES: AN ANALYSIS OF SELECTED PROGRAMS IN CURRENT LEGISLATION

(Prepared for the Joint Economic Committee by Robert W. Hartman, the Brookings Institution,[1] May 4, 1972)

At the time this paper is being written Congress is considering higher education legislation that will set the course for federal aid for at least the next five years. Too often in the course of the legislative process, the relation between the public goals of a bill and the details of programs to be authorized under it are obscured. This paper is an attempt to review some key aspects of the House and Senate versions of the higher education legislation and to relate these provisions to the major public objectives in higher education.

The program elements to be emphasized are:

In the Senate bill: Basic Education Opportunity Grants, State Scholarship Incentives, and Cost-of-Instruction Allowances.

In the House bill: Institutional Aid, Amendments to the Insured Loan Program.

Most of these provisions provide for direct subsidies to students; the competing institutional aid provisions are first efforts to provide general aid to institutions of higher education. This paper will discuss various legislative alternatives in terms of their effects on the federal budget, on the distribution of benefits among students and institutions, and on the choices students and institutions make.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

*Introduction*

The Senate version of the higher education legislation provides in Sec. 131 for a program of Basic Educational Opportunity Grants. Under this proposal every undergraduate student in eligible institutions would be entitled to a federal grant equal to $1,400 minus the expected family contribution for that student, or one half of the actual cost of attendance, whichever is less. No grant would be given to a student entitled to less than $200. Proposals of this sort—for a national student grant program—have a long history. The most recent and perhaps influential reports supporting a "Basic Grant Approach" are *Quality and Equality* (the Carnegie Commision report) and *Toward a Long Range Plan for Federal Financial Support for Higher Education* (Rivlin report). Each of these reports advocated a federal student grant program as the keystone of the federal government's assistance to higher education.

The reasons usually adduced for a Basic Grant Program are:

Such a program is necessary to raise college-attendance rates for students from lower-income homes, thereby furthering equal educational opportunity.

A National Basic Grants Program would ensure that all low-income students receive a federal subsidy, unlike the existing student grant program which funnels money through states and institutions, often missing eligible low-income students.

A national schedule of entitlements will ensure that federal subsidies are concentrated among students in accordance with their lack of ability to pay for college.

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Footnotes at end of article.

*Analysis*

1. Costs Without Induced Enrollments

The program of basic grants adopted in the Senate bill is fully funded, would involve a major increase in budgetary commitments for federal student aid programs. Undergraduate student support programs are estimated to be at the level $2.4 B for 1971–72. In the Office of Education programs alone, the estimated total program level is $1.2 B, serving as many as 2.7 million students.

The Basic Grant program's cost depends critically on two factors:

The policy decision made on what is to be included in the expected family contribution and the shape of the expected contribution schedule at different levels of family income.

The impact of the Basic Grants program on student enrollment and retention rates.

Family contribution schedules can include a variety of income sources that students would be expected to draw on: parents' and students' own income, assets, social security aid to dependent students, veteran's benefits, etc. Once the sources of income have been settled upon, the schedule of expected family contribution can be drawn up after certain judgments are made as to what is a fair contribution at different income-wealth levels. In Table 1 below are two estimates of what the cost of a Basic Grant program would have been in 1970–71. These estimates assume that 1970–71 attendance levels are maintained in all institutions, and that the College Scholarship Service (CSS) tables for 1967 and 1971 would be used for the schedule of expected family contributions. Although the Senate's higher education bill calls for the Commissioner of Education to promulgate a new schedule of expected family contributions, the resulting schedule is not likely to be very different from these CSS tables.

TABLE 1.—COST OF BASIC GRANTS FOR 1970–71 BY INCOME CLASS OF STUDENTS

| Income class | Basic grants based on 1967 college scholarship service tables | Basic grants based on 1971 college scholarship service tables |
|---|---|---|
| $0–$2,999 | $122,600,000 | $122,600,000 |
| $3,000–$4,999 | 217,700,000 | 225,800,000 |
| $5,000–$7,499 | 358,000,000 | 479,000,000 |
| $7,500–$9,999 | [1] 125,500,000 | 466,900,000 |
| $10,000–$11,100 | 0 | 118,200,000 |
| Full-time students | 823,800,000 | 1,412,400,000 |
| Part-time students | 59,900,000 | 101,700,000 |
| Total | 883,700,000 | 1,514,100,000 |

[1] Under the 1967 CSS Tables, grants reach $0 (i.e., go below $200) for families with 2 dependents at about $9,200 income. Under the 1971 Tables grants go below $200 at $11,100 family income. All income data in this paper are based on before tax income.

Source: Based on calculations and sources outlined in Appendix A, I–VI.

It should be noted that the cost of the Basic Grant program is strongly affected by the choice of a family contribution schedule, with the total cost estimates ranging from $884 million to $1.5 B in the two estimates shown in Table 1. Most of the difference is accounted for in the higher income classes where large numbers of students are eligible only under the 1971 Tables.[2]

2. Induced Enrollment

These estimates, as noted above, do not account at all for any increase in enrollment induced by the Basic Grants program. Such induced enrollees are, of course, a major *raison d' être* of the program. To estimate how many new students would be attracted to higher education by a Basic Grants program, one would need estimates of the pool of students who do not now attend college and of how many of these students would enroll if entitled to a Basic Grant. Unfortunately, reliable estimates of the latter are not available.

Table 2 shows estimates of induced enrollments in 1970–71 on the following assumptions:

TABLE 2.—INDUCED FULL-TIME UNDERGRADUATE ENROLLMENTS UNDER BASIC GRANTS, 1970–71

| Income | Induced enrollment under 3 assumptions (A) | (B) | (C) |
|---|---|---|---|
| Under $3,000 | 53,000 | 291,000 | 122,000 |
| $3,000 to $4,999 | 110,000 | 297,000 | 86,000 |
| $5,000 to $7,499 | 126,000 | 279,000 | 279,000 |
| $7,500 to $9,999 | 172,000 | 172,000 | 172,000 |
| Total | 461,000 | 1,039,000 | 659,000 |

Source: See Appendix A, VI.

Assumption A: The full-time undergraduate enrollment rate of each income class is raised to the rate of the income class immediately above it. Under this assumption undergraduate full-time students in 1970–71 would have been 461 thousand, or about 8.7 percent, higher.

Assumption B: Non-students are raised to the undergraduate full-time college going rate of students from $10,000–$14,999 income families, since Basic Grants provide all such students with the "buying power" of students from $12,000 homes. In this case enrollments would rise by about 20 percent.

Assumption C: Non-students from family between $5,000 and $10,000 are raised to the 1970–71 enrollment rate of the students in the $10,000–$14,999 family income class. Students from families with less than $5,000 income attend at 60 percent of that rate.

The budgetary implications of induced enrollments can now be estimated under each assumption provided that we know the attendance patterns of the induced enrollees. We have assumed that the enrollment patterns (i.e. public or private college, 2-year, 4-year or university) would follow those of students now enrolled in the same income class. Table 3 shows the additional federal program cost for a Basic Grants program with induced enrollments using the 1971 CSS tables.

TABLE 3.—ADDITIONAL COST OF BASIC GRANTS PROGRAM DUE TO INDUCED ENROLLMENT

[Dollar amounts in thousands]

| Income class | Original cost estimate using 1971 college scholarship service | Additional cost[1] under 3 assumptions A | B | C |
|---|---|---|---|---|
| Under $3,000 | $122,600 | $49,665 | $273,680 | $115,020 |
| $3,000 to $4,999 | 225,800 | 108,115 | 292,175 | 84,380 |
| $5,000 to $7,499 | 478,970 | 120,580 | 267,165 | 267,165 |
| $7,500 to $9,999 | 466,870 | 111,960 | 111,960 | 111,960 |
| $10,000 to $11,100 | 118,200 | 0 | 0 | 0 |
| Total full-time only | 1,412,440 | 390,320 | 944,980 | 573,195 |
| Percent increase | | (27.5) | (66.5) | (40.3) |

[1] Additional students are assumed to receive same average grant as others in their income class.

When induced enrollments are taken into account, the federal budgetary requirement for the Basic Grants would be increased by 27 percent to 66 percent over the estimates based on no change in enrollments. To the extent that we view increased enrollments as a major program output of the Basic Grants program, the budget costs estimated here imply that each induced enrollee annually costs the federal government between $2,300 (Assumption B) and $3,900 (Assumption A).[3] The per induced enrollee costs are, naturally, much higher than the average grant to a beneficiary because induced enrollee are only a small fraction of all grant recipients. The larger the induced enrollment (as in Assumption B), the lower is the per induced enrollee cost of the Basic Grants program, but the larger is the aggregate budget required for full funding.

In summary, assuming that the federal government will employ an expected contribution schedule similar to the 1971 CSS Tables, the budget for full funding of Basic Grants would have been between $1.8 billion (excluding part-time; with 461 thousand induced enrollees) to $2.4 billion (excluding part-time; with 1 million induced enrollees) for an annual per induced enrollee cost of $2,300 to $3,900. Under the low induced enrollment Assumption A, most of the new enrollees (Table 2) and most of the program costs (Table 3) would be incurred on behalf of students from families with incomes between $5,000 and $10,000. Under the high enrollment growth Assumption B most of the new enrollees would come from families with incomes under $5,000, but much of the costs would be incurred on behalf of the students in the $5,000 to $10,000 range.

3. *Horizontal equity and targeting subsidies*

Many students from low-income (under $6,000) families now attend college and receive no federal grants at all. One of the primary goals of a Basic Grant program is to establish national standards entitling all such needy students to a federal subsidy.[4]

Table 4 summarizes how effective a Basic Grant program, if fully funded, would be in broadening entitlement to federal grants. Out of the 516,000 full-time undergraduates from families with income below $6,000, only 211,000 were receiving Educational Opportunity Grants (EOG's) in 1970–71. Moreover, 67,000 students from higher income families were receiving federal grants in that year in preference to the excluded 315,000 low-income students.

Footnotes at end of article.

TABLE 4.—DISTRIBUTION OF BASIC GRANTS AND EDUCATIONAL OPPORTUNITY GRANTS, 1970-71

| Income class | Educational opportunity grants | | Basic grant [1] | |
|---|---|---|---|---|
| | Students aided | Average grant [2] | Students aided | Average grant |
| Under $3,000 | 89,400 | 586 | 132,000 | 929 |
| $3,000 to $5,999 | 121,600 | 573 | 384,000 | 973 |
| $6,000 to $7,499 | 44,400 | 545 | 353,000 | 920 |
| $7,500 to $8,999 | 22,900 | 490 | 358,000 | 820 |
| Over $9,000 | 11,900 | 477 | 781,000 | 395 |
| Total | 290,200 | | 2,008,000 | |

[1] Based on 1971 CSC Tables, no induced enrollment.
[2] Based on 1969-70 data. From 1969-70 to 1970-71, EOG increased from 280,600 students to 290,200 and obligations rose from $144.8 million to $164.6 million.

Source: E.O.G. students aided, U.S. Office of Education, Bureau of Higher Education, Higher Education Fact Book, 1971, E.O.G. Average grant from Nathalie Friedman, The Federal Educational Opportunity Grant Program (Columbia University, Bureau of Applied Social Research, May 1971, p. 55).
Basic grant data are own estimates, based on data and sources in appendix A.

The Basic Grant program as shown in Table 4 would remove the horizontal inequity of treating equals unequally by offering full coverage to students in low-income families. (The number of students aided under Basic Grants in Table 4 is computed without regard to any induced enrollment.) However, in raising the number of students receiving federal grants by over 1,700,000 students, the fact remains that most of the increases in students aided would come from families with incomes in excess of $6,000. The Basic Grant Program, in short, fills a disgraceful subsidy gap in the present student grant program by offering aid to all low-income students. It also fills the gap for middle-income students, a matter of, in my opinion, less social urgency.

Under the EOG program, the per student subsidy for the very poor is only about $100 more than the per student grant at $9,000 family income. The Basic Grant Program under the Senate bill, would be much more generous, on the average, but the gap between the subsidy received at zero income vs. $9,000 income would still be about $100. This result is entirely due to the provision in the Senate bill that limits a student's grant to one-half the cost of his college (see below). Thus, to the extent that the Basic Grant approach is expected to target larger grants on the most needy, the Senate bill fails to achieve this goal.

4. Effect of basic grants on other components of student aid

One difficulty in making even a rough estimate of the final incidence of Basic Grant subsidies is the impact of such a program on other federal student aid programs, especially those operated by the U.S. Office of Education. Several alternative scenarios seem plausible, ranging from substitution of Basic Grants for all other forms of student aid to continuation of present programs at present funding levels on top of Basic Grants.

The most likely possibility is that existing programs will continue, but will be changed to serve a new clientele. Under the Senate version of S. 659, for example, the existing EOG program would become the "Supplemental Educational Opportunity Grants" to be awarded by institutions that receive federal allotments. It seems likely that the allotments for these grants will shift more toward institutions with high student charges than is now the case. The reason for this is that the practice has been to allocate EOG funds according to the "financial needs" reported by institutions. Since Basic Grants will, if funded at a high level, fulfill most of the "financial need" in institutions with low charges, most of the "unmet need" will be in higher charging institutions. Since the higher-charge institutions can demonstrate need even for fairly wealthy students (an institution whose student budget totals $4,000 can show unmet need under the 1971 CSS tables for students [in 2 dependent-child families] whose family income falls below $19,500.) Thus, many students from middle income backgrounds who are presently not receiving federal student aid may become recipients as a result of the Basic Grants program. The degree to which such shifting occurs will depend on the relative appropriation levels of the Basic Grants vs existing programs and on the administrative procedures to be followed in the allotment process for the existing programs.

SUMMARY

At full entitlement levels, using 1971 CSS tables and the assumptions noted previously, the Basic Educational Opportunity Grants would provide between $1.5 to $2.5 billion in new federal subsidies for higher education. For the first time all students from low-income homes would receive grants but the average subsidy received in the various income brackets would differ very little. Existing college-based student aid programs would probably become less targeted on low income students under full funding of Basic Grants.

5. Reducing the cost of basic grants

Full funding of the Basic Grants program would raise budget outlays for higher education by a considerable sum. As a result, legislative draftsmen have paid considerable attention to cost-cutting devices. In the Senate bill, three provisions seem to have been designed to reduce the budget for Basic Grant subsidies:

(1) The entitlement to the Basic Grant cannot exceed one-half the cost of the institution.

(2) No Basic Grants are to be awarded to students whose entitlement is less than $200.

(3) In the event appropriations fall short of the amount required for full funding under the federal formula, an equal proportionate reduction in each student's grant is provided for.

Each of these apparently innocuous provisions may have a substantial impact on the incidence of the subsidies in the Basic Grant program. In addition, some of the provisions introduce distortions in the relative price of different institutions facing various students.

The following paragraphs discuss these effects of the cost saving provisions and put forward some alternatives.

A. HALF-COST

The Basic Grant provision of the Senate bill provides first of all that each student receive $1,400 minus the expected family contribution. The logic of such a provision is that it provides, in principle, that every student have at least the buying power of a student whose family's income position allows them to contribute $1,400 to the student's education. In 1971, this provision translates into providing all students with the same financial opportunity as faces a student from a home in which the family income level is $12,000.[5] Alternatively, the logic of the Basic Grant formula can be explained as an intent on the part of Congress that every child be enabled to attend an institution which costs $1,400 without incurring debt or working.

The provision limiting the payment to one-half of the institution's cost is a major compromise on the policy philosophy just described. The half-cost limit works as follows: each student would receive either 1,400 minus expected family contribution or half the cost of the institution, whichever is less. Table 5 shows the difference between the two formulations at various school cost and family contribution combinations.

TABLE 5.—BASIC GRANT ENTITLEMENTS UNDER HALF COST RESTRICTIONS

| Family income | Family contribution (2 dependent children) | Cost of institution | | | |
|---|---|---|---|---|---|
| | | $1,000 | $3,600 | $2,000 | $2,800 |
| Less, than $6,000 | 0 | [1] 1,400 | [1] 1,400 | [1] 1,400 | [1] 1,400 |
| | | [2] 500 | [2] 800 | [2] 1,000 | [2] 1,400 |
| | | [3] 900 | [3] 600 | [3] 400 | [3] 0 |
| $8,000 | 500 | [1] 900 | [1] 900 | [1] 900 | [1] 900 |
| | | [2] 500 | [2] 800 | [2] 900 | [2] 900 |
| | | [3] 400 | [3] 100 | [3] 0 | [3] 0 |
| $10,000 | 1,000 | [1] 400 | [1] 400 | [1] 400 | [1] 400 |
| | | [2] 400 | [2] 400 | [2] 400 | [2] 400 |
| | | [3] 0 | [3] 0 | [3] 0 | [3] 0 |

[1] Entitlement under $1,400 minus family contribution.
[2] Entitlement under $1,400 minus family contribution or ½ cost whichever is less.
[3] Difference between [1] and [2].

As can be seen from the table, the major losers from the half cost provision are the students from families with low income who attend public sector institutions (i.e. the ones who attend institutions that cost under $2,800) and lower middle-income students who attend public junior colleges (i.e. at the $500 family contribution level the ½ cost provision reduces the Basic Grant if the cost of the institution is under $1,800). Students who are at the upper end of the income range eligible for grants are not affected at all by the half cost provision. Since most very low income students attend public institutions and most middle income students do not attend public junior colleges, the concentration of the losses from the half cost provision will significantly affect the total subsidies received by the lowest income groups.

Table 6 shows the distribution of the cost savings to the Basic Grants program of the half cost provision under the assumption that existing enrollment patterns are not changed by Basic Grants. Half of the $322 million in costs saved are at the expense of students from families with incomes below $6,000, almost all of whom are affected by the provision. Comparison of Table 6 and Table 4 indicates that if the half-cost provision were eliminated Basic Grants would be a highly targeted subsidy program.

Footnotes at end of article.

TABLE 6.—BUDGETARY SAVINGS FROM HALF-COST PROVISION [1]

| Income class | Dollars (millions) | Per student | Percent of total students in class affected |
|---|---|---|---|
| Under $3,000 | 62.2 | $471 | 87.9 |
| $3,000 to $4,999 | 99.0 | 427 | 79.3 |
| $5,000 to $7,499 | 147.2 | 291 | 75.2 |
| $7,500 to $9,999 | 13.5 | 19 | 23.4 |
| $10,000 to $11,100 | 0 | 0 | 0 |
| Total | 322.0 | 160 | 42.3 |

[1] Note: Based on existing enrollments only.

Source: See appendix A.

In addition to the unfortunate equity effects of the half-cost provision is its impact on the relative price of different schools faced by different students. The prices of different colleges that a student faces under a Basic Grant program are determined by the charges (i.e. what we have been calling costs) the colleges make minus the federal grant received. Table 7 shows the prices faced by three students eligible for a Basic Grant under the Senate bill's half-cost rule and one student whose family contribution is too high to qualify him for a Basic Grant. (The numbers in the table are equal to the cost of school minus the basic grant under the half-cost formula).

TABLE 7.—PRICES OF VARIOUS SCHOOLS FACED BY 4 STUDENTS

| Family contribution | Cost of school | | | |
|---|---|---|---|---|
| | 1,000 | 1,600 | 2,000 | 2,800 |
| 0 | 500 | 800 | 1,000 | 1,400 |
| $500 | 500 | 800 | [1] 1,100 | 1,900 |
| $1,000 | 600 | 1,200 | 1,600 | 2,400 |
| $2,000 | 1,000 | 1,600 | 1,000 | 2,800 |

[1] $1,100 is computed as follows. 1st, compute the basic grant as the lesser of $1,400 minus family contribution or half-cost. In this case, the basic grant is $900. Then compute the cost of school minus basic grant to arrive at price. In this case, it is $2,000 minus $900 or $1,100.

The unsubsidized student can choose to attend the school whose cost is $1,000 or, if it is worth an extra $1,800 to him, he can invest in the services offered by the $2,800 college. Each unsubsidized student presumably looks at the extra costs of attending colleges of varying quality levels and compares his expected return (which may be in the form of enhanced cash income, or prestige, or the pleasures of the intellect at the various institutions) to these incremental costs before settling on the college of his choice. Assuming that he is admitted, the implication of the choice of the $2,800 college, for example, is that its services represents to the consumer-buyer exactly $1,800 more than those of the $1,000 college. In other words, the value of the return expected to be earned from attending the higher-priced college is measured by the excess of its price over the lower-priced college. One of the great advantages of the diversity in American colleges is that it allows students to choose among colleges and this supplies a market test of whether higher priced schools are worth their extra cost.

Some of the subsidized students, under the half cost rule, face the same relative price for the colleges on our table as the unsubsidized student, but others don't. The lowest income student, whose family contribution is zero, is faced with a set of prices that signal him that the $2,800 cost college is only $900 more expensive than the cheapest college shown. To the next student in the table, the high cost school is $1,400 more expensive than the least costly. This means that the student from the lowest income home would be led by the basic grant formula with a half cost provision to invest in the highest cost school as long as he calculates its return to be at least $900, while the unsubsidized student invests only if the return is at least $1,800. The effect of the half cost provision then is to reduce the relative price of high cost schools the most for the poorest students, less for middle income students who are eligible for Basic Grants, and not at all for unsubsidized students.

There are 2 points to note about the consequences of this shift in relative prices. First, the students from the poorest homes, if they are responsive to relative prices, will be led to attend higher cost institutions. Middle income students will receive a lesser incentive and the students at the top of the basic grant eligibility list will receive no such incentive. It follows that the cost savings from the half-cost provision may never be realized: many students for whom the savings are planned will opt for institutions whose costs put them out of the range in which the half-cost provision is operative. Second, the question arises as to what is the reason for the half-cost provision in the first place. If it is intended as a special means of "helping the private sector", what is the sense of helping that sector by channeling to it, students only of the most modest circumstances? As we shall discuss below, the private sector may need help, but distorting the relative prices faced by Basic Grant eligible students is not a sensible means to provide such aid.

Another, more plausible rationale, for the relative cheapening of high cost institutions for low-income students is that there is some social benefit to be derived from a greater mixing of socio-economic classes in the higher cost institutions. Although there is not much hard evidence to substantiate it, some people believe that social mobility of children from low-income homes requires that they attend prestige institutions. If one takes such social mobility as an externality—i.e. a benefit accruing mainly to society in general, rather than to the student—a case can be made for providing special incentives for low-income students to attend high cost schools. One such incentive is the relative price effect of the half cost provision.

The Senate bill contains at least four other programs that compete with the half-cost provision in providing incentives for students from low-income families to attend high-cost institutions. These are the proposed Supplementary Educational Opportunity Grants and the proposed cost-of-instruction allowances and an expanded loan program. (Cost of instruction allowances and loan programs will be discussed below.) Supplementary EOG's would be payable in amounts up to $1,000 ($1,200 if the student ranks in the upper half of his class) provided that the Supplementary EOG not exceed one-half the total student aid (including Basic Grants). Since such grants are limited to those of "exceptional financial need" (presumably after the Basic Grant has been accounted for) the Supplementary EOG program seems to be designed primarily as a program to aid students at high cost colleges.

It is my judgment that, if any grant program is necessary, the Supplementary EOG program should be the vehicle for providing subsidies for low-income students to attend high cost schools. The main reason for this position is that the Congress will be able to control, through appropriations and regulations, the amount of resources it wishes to place on the encouragement of low-income students to attend high cost institutions. This goal is quite separate from the general access to college goal that the Basic Grant program is designed to serve. It has a weaker social consensus behind it. (Is the general public as willing to subsidize a poor kid to go to Harvard as it is to provide him with a college education?) Moreover, provision of incentives for students to attend high cost institutions is intertwined with the financial problems of private colleges, which necessitates that we separate the program so that it can be "traded off" against other programs specifically designed to aid these private institutions. (see below)

SUMMARY AND CONCLUSIONS

The elements of an ideal Basic Grant program are evident.

It should provide all students with access to college by guaranteeing them a certain sum of money from federal grants and family contributions.

It should provide grants to students from homes with different expected family contributions such that the sum of the family contribution and the Basic Grant is the same for all students.

It should provide that all Basic Grant recipients face the same set of relative prices among colleges as is faced by all unsubsidized students.

There is only one Basic Grant formula that meets these criteria. If we pick $1,400 as the guaranteed amount of money for access to college, the formula would be "$1,400 minus expected family contribution" period. This formula would:

Guarantee access to institutions whose costs are $1,400 or less to all students, without work or repayment obligations.

Fully equalize the college financing ability of all students whose expected family contribution is less than $1,400.

Not affect the relative price of different colleges as viewed by aided students.

B. THE $200 MINIMUM GRANT

The Senate bill provides that students whose Basic Grant eligibility is under $200 shall receive no grant. The effect of this provision, under the 1971 CSS tables, is to remove from eligibility all students (from 2-child families) with incomes between $11,100 and $12,000. Since there are about 230,000 students in this income bracket, the provision saves the federal budget about $21 million.

The $200 minimum grant provision is basically unfair. It creates one class of students who will not be guaranteed $1,400 through a combination of Basic Grant and family contribution. Lower income students would be guaranteed the $1,400 under the Senate bill and higher income families are expected to be able to contribute $1,400 to the student's education.

There are two justifications for the provision. First, it can be argued that the administrative cost of making many small grants is not worth the benefits that students would receive. The Senate bill is not too clear on the exact procedures to be used in disbursing grants, so it is difficult to evaluate what administrative costs would be involved. However, it should be noted that the bill does provide for payments less than $200 in the event that appropriations are insufficient to meet entitlements, and the logic of the excessive administrative cost argument would seem to apply in that event as well. Second, the $200 minimum grant is a budget-cutting item, as noted above. However, the case can be made that the entitlement provisions are no place to cut the budget, especially not by arbitrarily depriving one economic group of fair treatment. The place to worry about budget savings in a Basic Grant program is in the provisions for how the entitlements are to be adjusted in the event that appropriations are insufficient to provide full funding. This is the subject to which we now turn.

C. RATABLE REDUCTION

The Senate bill provides that in the event appropriations are insufficient to meet entitlements under Basic Grants, each eligible student's Basic Grant shall be "ratably reduced", i.e. reduced by the same percentage. The costs of full entitlement are so large that the reduction provision is much more

than a matter of academic interest. Reduction is certain to be necessary.

Ratable reduction is the worst possible method to handle the need to meet an insufficient Basic Grant budget. Since the Basic Grant program is so structured that students with the lowest family income background would receive the largest grants it follows that equal percent reduction of grants means that the largest dollar cutbacks would be suffered by the poorest students.

Put another way, ratable reduction means that the guarantee level (family contribution plus grant) will be driven down the most for the student with the least means.

Two superior alternative approaches to reducing Basic Grants are available. The first is called the "floating ceiling" method. Under this adjustment the guarantee level of $1,400 in the Basic Grant formula would be reduced until appropriations are sufficient to meet the new entitlement levels. Each student's grant, compared to full funding, is reduced by the same dollar amount. This approach has the advantage of maintaining equalized guarantee levels (the adjusted grant plus the family contribution level) for all students. The floating ceiling method implies that if Basic Grant recipients are to attend any given college, they will have to borrow, or squeeze out of their parents, money over and above the expected family contribution. These additional sums will be the same for all students, regardless of their family's income.

A second method of adjusting the Basic Grants program to insufficient appropriations is the "additional family contribution" method. Under this technique the Basic Grant to be awarded to any student would be determined by $1,400 minus the expected family contribution and minus an *additional family contribution which is a fixed percent of the family income of the Basic Grant recipient*. This method has the virtue that the student's borrowing (or the additional sums that his parents will have to give him) are scaled to his family's income. The family's income serves as at least a rough measure of the student's access to capital markets and to his family's ability to put up additional funds. The additional family contribution method is the one alternative among those considered here that maintains the full guarantee level for the most needy students.

The effects of the three alternative methods of reducing the Basic Grant entitlement can be illustrated simply. Our estimates indicate that if appropriations for the Basic Grant program were approximately $1 B, each of the three reduction methods would work as follows. Under ratable reduction, each Basic Grant student would receive 55.4 percent of his full-funding entitlement. The floating ceiling method, at the $1 B funding level, would result in a $900 ceiling. Under the additional family contribution method, each student's full funding entitlement would be reduced by 5.0% of his family's income. (See Table 10.)

Table 8 illustrates the effect of the three reduction methods for 5 hypothetical students (all are assumed to attend high cost institutions, so that the half-cost provision has no effect) [6] at a $1 B Basic Grant budget level. It is clear that only under the floating ceiling or additional family contribution methods is there even the remotest likelihood that low-income students would have any real choice of college. For a college costing $3,000, the lowest income student, under ratable reduction, would have to borrow over $2,200 per annum while the student from a $10,000 income home would have to borrow only $1,800 (provided his parents make the expected family contribution) to attend the same institution. The floating ceiling approximately equalizes the borrowing needs of the two students, while the additional family contribution method implies borrowing of about $1,650 for the poorest student shown and $2,050 for the wealthiest.[7]

Footnotes at end of article.

TABLE 8.—BASIC GRANTS UNDER $1 B FEDERAL BUDGET

| Income | Family contribution | Amount of basic grant: Ratable reduction | Floating ceiling | Additional family contribution |
|---|---|---|---|---|
| $1,000 | 0 | 776 | 900 | 1,350 |
| $4,000 | 0 | 776 | 900 | 1,200 |
| $8,000 | 510 | 493 | 390 | 490 |
| $10,000 | 960 | 244 | 0 | 0 |

Tables 9 and 10 show the budgetary consequences and the distributional implications of the three reduction methods. The first lesson to be learned from the tables is that it is difficult to think of the Basic Grant program being undertaken at low appropriation levels. At a $500 million budget-level, the grant program would serve only students whose family incomes are less than about $8,000, and would pay a maximum federal grant of $510 under the floating ceiling method. Under ratable reduction, the *average* grant would only be $203 and few students would receive much more than that (the low income student in public junior college would receive about $165!). Even the additional family contribution method at a $500 million budget level would result in students having to borrow the equivalent of over 10 percent of their family's income in order to attend an institution costing $1,400.

Only at the $1 B level does the Basic Grant program begin to resemble a meaningful new federal student aid program. At that budget level, Table 9 shows that ratable reduction would distribute about 28% of the subsidies to the students from families with incomes under $5,000, while the other two methods would distribute about 42% of the subsidies to that income class.

A cautionary note is warranted on the data presented in this section. The budget estimates and the distribution tables assumed that over 460,000 new enrollees would be induced to enroll in college by the Basic Grants program, even when it is funded at low levels. These students account for about 20% of the grant recipients in the two tables, and it is likely that all these students would not enroll if basic grants were, in fact, funded at a low level. On the other hand, all the budget estimates were based on a Basic Grants program with a half-cost provision and with the assumption that students would enroll in the same types of institutions in which they now enroll. For reasons stated previously, the half-cost provision is likely to induce students to attend higher cost institutions and this change would result in higher cost estimates than are shown here.

TABLE 9.—DISTRIBUTION OF BASIC GRANTS UNDER THREE REDUCTION METHODS [1]

| Income class | Ratable reduction: Total amount (in millions) | Ratable reduction: Percent of total | Ratable reduction: Amount per student | Floating ceiling: Total amount (in millions) | Floating ceiling: Percent of total | Floating ceiling: Amount per student | Additional family contribution: Total amount (in millions) | Additional family contribution: Percent of total | Additional family contribution: Amount per student |
|---|---|---|---|---|---|---|---|---|---|
| At budget level of $1,494,400,000: | | | | | | | | | |
| Under $3,000 | $142.8 | 9.6 | $772 | $166.8 | 11.2 | $902 | $166.2 | 11.1 | $898 |
| $3,000 to $4,999 | 276.8 | 18.5 | 809 | 318.0 | 21.3 | 930 | 307.5 | 20.6 | 899 |
| $5,000 to $7,499 | 497.0 | 33.3 | 788 | 558.0 | 37.3 | 884 | 524.5 | 35.1 | 831 |
| $7,500 to $9,999 | 479.8 | 32.1 | 540 | 417.8 | 27.8 | 470 | 460.4 | 30.8 | 518 |
| $10,000 to $11,100 | 97.8 | 6.6 | 232 | 33.8 | 2.3 | 80 | 35.8 | 2.4 | 85 |
| Total | | 100.0 | | | 100.0 | | | 100.0 | |
| At budget level of $998,700,000: | | | | | | | | | |
| Under $3,000 | 95.4 | 9.6 | 516 | 147.0 | 14.5 | 795 | 155.6 | 15.6 | 841 |
| $3,000 to $4,999 | 185.0 | 18.5 | 541 | 274.9 | 27.2 | 804 | 262.1 | 26.2 | 766 |
| $5,000 to $7,499 | 332.1 | 33.3 | 526 | 438.4 | 43.6 | 695 | 394.5 | 39.5 | 625 |
| $7,500 to $9,999 | 320.7 | 32.1 | 361 | 138.4 | 14.9 | 156 | 186.3 | 18.7 | 210 |
| $10,000 to $11,100 | 65.5 | 6.6 | 155 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | | 100.0 | | | 100.0 | | | 100.0 | |
| At budget level of $501,200,000: | | | | | | | | | |
| Under $3,000 | 47.9 | 9.6 | 256 | 94.5 | 18.9 | 510 | 137.3 | 27.4 | 742 |
| $3,000 to $4,999 | 92.8 | 18.5 | 271 | 174.5 | 34.8 | 510 | 183.1 | 36.5 | 535 |
| $5,000 to $7,499 | 166.7 | 33.3 | 264 | 220.9 | 44.1 | 350 | 168.9 | 33.7 | 268 |
| $7,500 to $9,999 | 160.9 | 32.1 | 181 | 11.3 | 2.3 | 13 | 11.9 | 2.4 | 13 |
| $10,000 to $11,100 | 32.9 | 6.6 | 78 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | | 100.0 | | | 100.0 | | | 100.0 | |

[1] All reduction methods assume basic grants with half-cost provision limited to current full-time undergraduate students, based on 1971 CSS tables and to induced enrollment using assumption A.

Sources: Estimated from data in app. A and from 1971 CSS tables.

TABLE 10.—BUDGET CONSEQUENCES OF THREE REDUCTION METHODS

| Budget (millions) | Ratable reduction | | | Floating ceiling | | | Addtional family contribution | | |
|---|---|---|---|---|---|---|---|---|---|
| | Percent of full funding | Number of recipients (thousand) | Dollars per recipient | New ceiling | Number of recipients (thousand) | Dollars per recipient | Tax rate of AFC percent) | Number of recipients (thousand) | Dollars per recipient |
| $1,802.4 | 100.0 | [1] 2,470 | $730 | $1,400 | [1] 2,470 | $730 | 0.0 | [1] 2,470 | $730 |
| $1,494.4 | 82.9 | 2,470 | 605 | 1,200 | 2,470 | 605 | 1.8 | 2,470 | 605 |
| $998.7 | 55.4 | 2,470 | 404 | 900 | 1,887 | 529 | 5.0 | 1,914 | 522 |
| $501.2 | 27.8 | 2,470 | 203 | 510 | 1,266 | 396 | 10.5 | 1,266 | 396 |

[1] Of 2,469,000 recipients, 462,000 represents estimated induced enrollment, as follows:

| | |
|---|---|
| Under $3,000 | 132+ 53= 185 |
| $3,000 to $4,999 | 232+100= 342 |
| $5,000 to $7,499 | 505+126= 631 |
| $7,500 to $9,999 | 717+172= 889 |
| $10,000 to $11,100 | 422+ 0= 422 |
| Total | 2,008+461=2,469 |

Source: See table 9; for induced enrollment, see table 2; for other enrollment, see appendix A.

SUMMARY

The method used to reduce the Basic Grant in the event of insufficient appropriations has a substantial effect on the distribution of the subsidies under the program and consequently, on the equitability of the program. Both the floating ceiling and additional family income methods concentrate funds on the neediest students much more than does ratable reduction. Ratable reduction is unfair and creates too high barriers to higher education for low-income students at plausible federal budget levels for the Basic Grants program. The appropriations level required to make the Basin Grants program meaningful is in excess of $500 million and a case can be made that $1 B is a reasonable minimum budget for this program.

GRANTS TO STATES FOR STATE SCHOLARSHIP INCENTIVES

*General provisions*

The Senate bill provides for a new subsidy program to encourage states to undertake and expand state scholarship programs that are based on financial need. Without getting into details here, the program specifies that the federal government would pay 50 percent of the increased amount of state scholarship grants provided over a base year. Up to $50 million is authorized in each fiscal year 1973–75 to support initial recipients of state scholarship programs and an unlimited authorization is provided to support a 50 percent share for renewals. The implication of these provisions is that they authorize sufficient federal support for a growth in state scholarship programs from about $270 million in 1971–72 to as much as $570 million in fiscal year 1975 [8] if all existing needs-based scholarship programs qualify and if all states enter the program and make full use of the $50 million available for increased state scholarships. Under these assumptions the federal subsidy would be about $150 million in fiscal year 1975.

*Effects on private institutions*

This program is potentially one of the most important parts of the higher education legislation now under consideration in the Congress. One of the major problems in financing higher education has been the increasing difficulty faced by many private institutions to compete with public sector institutions most of which maintain very low student charges. As many observers have pointed out, the tuition gap between public and private institutions has been growing and this has made it difficult for private institutions to attract students. The major reason for the growing tuition gap is the higher education subsidy policy of all of the states. This policy is to channel nearly all of the state-financed higher education subsidies into the public institutions in the form of institutional subsidies which allows the public sector to keep tuition down.

The State Scholarship Incentive program under the Senate bill should have the effect of changing the form of state subsidies to higher education. The only form of State-financed higher education subsidy to be "matched" under the bill is a needs-based student grant program. In effect, this provision changes the "price" state legislators will face in making their decisions on higher education financing. If the legislature wishes to put $1 into institutional subsidies, a full $1 in state revenues will be required. But if the legislature chooses to put $1 (including those dollars now spent on institutional assistance) into state scholarships, the state budget will only have to support 50 cents of the program as the federal government supplies the remainder. No one can be certain that state legislatures will respond to this lure, but to the extent that they do the long-run outlook for the private sector of higher education would brighten considerably.

First, even if public and private colleges freeze tuition at current levels, a state scholarship program in which the grants are useable at private institutions [9] may induce many more students to attend private colleges. Under present circumstances, increased state aid for higher education can be enjoyed by a student only by attending the public institution which received the grant; under an increased state scholarship program the student can choose which kind of institution to attend.

Second, private institutions will probably divert some of their own student aid funds to other purposes under a state scholarship program.

Third, some private institutions who have held back on tuition increases will be able to raise charges and still maintain enrollments because the increased state grants can be used by some students to offset the increase in price.

Finally, and most important for the private sector in the longrun, as state legislatures shift resources to state scholarship programs, there inevitably will be increases in tuition at public institutions. Since wages and other costs in public institutions will continue to rise, legislatures that choose not to meet the cost increases through larger institutional appropriations, will automatically be raising tuition at public colleges. Of course it is possible that legislatures will both expand support for public colleges through institutional grants and increase state scholarship programs. But it is not likely: one of the major political arguments for low tuition at public institutions has always been that it provides access to college for low-income students. As low-income students receive state scholarships (and Basic Grants as well) it is clear that the "access to the poor" argument for low tuition is eroded.

The expenditure of $150 million by fiscal year 1975 for a State Scholarship Incentive program can thus be best viewed as the federal government's response to the growing inability of private institutions to compete with the public sector. Seen that way, the State Scholarship Incentive program "competes" with the half-cost provision of the Basic Grant program, the Supplementary EOG program, and the Institutional Aid programs, all of which have been defended on the grounds of providing special support for private institutions.

In my opinion, a State Scholarship Incentive program (although not necessarily the one appearing in the Senate bill) is a superior vehicle for improving the financial position of private institutions. It provides a solution to the long-run structural problem of private institutions which is the "unfair" price competition of the public sector. By contrast, the Supplementary EOG program (or the institutional aid program), which could be used to target money on the private sector promises to be a bottomless pit. As costs and charges rise at private institutions, while tuitions at public institutions are held down, there will be increasing demands placed on Congress to increase funds for a Supplementary EOG program (or for institutional aid—or both). Private schools will demonstrate (correctly) that they cannot attract low and middle income students given the nature of the competition and that they are therefore in danger of financial collapse and/or in danger of becoming exclusive institutions. It will be impossible for Congress to know whether the private institutions they are being asked to bail out could have prospered under a truly competitive market or whether their real problem was that they had little to offer to students. The State Scholarship Incentive program responds to this dilemma by encouraging states to put money in the hands of students, supplying thereby a market test to distinguish between institutions whose main problem is price and those whose main problem is the quality of their program or the competence of their management.

An additional advantage of the State Scholarship Incentive approach should be noted. As compared to alternative means for aiding the private sector, the encouragement of state scholarship programs ranks low in the likelihood of increased federal interference with the conduct of higher education. The state scholarship provisions of the Senate bill provide federal fiscal control and audit procedures for state agencies who administer scholarships. Such limited federal control can be contrasted to the provision in the Supplementary EOG program that the grant shall be "increased to $1,200 in the case of a student who, during the preceding academic year, is *determined in accordance with regulations to have ranked in the upper half of his class*" (italic added). What will the regulations say about the institution that has decided to employ a Pass/Fail grading system? Or one that forswears class rankings? Similarly, the House bill's institutional aid title [10] specifies that "the Commissioner [of Education] shall by regulation prescribe (1) the number of earned credits which constitute enrollment on a full-time basis and (2) a definition of "credit" to be used for such determinations which

Footnotes at end of article.

shall be substantially uniform for all institutions." Even with the best of intentions, provisions such as this one will force federal officials into the details of how colleges set academic policy. Forced to choose, both higher educators and wise public officials ought to prefer the controls of the market—as promised by the State Scholarship Incentive program—to the controls of federal regulations.[11]

*Some anomalies*

The State Scholarship Incentive program as passed in the Senate bill is not without flaws. First, there is a formula in the bill dividing the appropriation among the states in accordance with enrollment. Since states differ in terms of public-private mix and since *new* state scholarship programs may be necessarily lumpy decisions, the state allotment procedure is unnecessarily constraining. In this case a procedure for ratable reduction of state grants in the event appropriations are insufficient would be a preferable procedure for allocation of funds. Second, the bill is technically imperfect in two respects, both, I think, inadvertently: (a) the condition for rewarding states for expansion of their programs is stated in terms of "individuals who have not previously been awarded" state scholarships. This wording covers all freshmen—a state with rapid turnover of students counts as a state making high effort to expand state scholarships. What is intended, I believe, is to reward states whose program, in budget terms, has grown; (b) the bill fails to specify that grants must be made available to students who attend private institutions. This is a must.

*Summary and conclusion*

The State Scholarship Incentive program would be an incentive and important use of federal subsidies for higher education. Its purpose is to change the behavior of state legislators, moving them to support higher education policies that reduce the tuition gap between public and private institutions. Compared to alternative means in the higher education legislation for aiding private institutions and providing freer choice for students, the State Scholarship Incentive program should play a major role. A number of revisions in the state allotment formula and in the language of the bill would improve the effectiveness of this subsidy program.

INSTITUTIONAL ASSISTANCE

*Distribution of subsidies among income classes and institutions*

Both the Senate and House versions of the higher education legislation provide for funds to be used for general purposes by colleges and universities. In each bill, an institution's share would be determined by a formula. In the bill passed by the House of Representatives, the institutional aid program is the major provision, both because the budget implications of the House institutional aid program are substantial and because little new was proposed in the student aid programs under that bill. In the Senate bill, the cost-of-instruction allowance program is of substantial magnitude, but is subordinate to the Basic Grants provision.

The approach of the two bills to distributing federal funds for general assistance appear, on the surface, to differ considerably. The basic determinant of an institution's share of federal subsidies under the House bill is total enrollment, while under the Senate bill the major determinant is the number of students receiving Basic Grants. Thus, it would seem that the Senate version would tend to divert a larger proportion of funds toward those institutions who serve a relatively large number of low to middle income students. There is, of course, a major question as to which students would benefit from the institutional aid granted. In this section we assume that each institution uses its institutional grant for across-the-board lowering of cost to its entire student body. To the extent that federal funds are used for across-the-board subsidies to students, the Senae version could be expected to target subsidies for the benefit of lower income students more than the House version.

Table II shows the percentage distribution among students of the institutional aid subsidies in the Senate and House bills. The table assumes that each institution distributes its total subsidy among all of its students—graduate and undergraduate—equally. (We have included graduate students as one "income group", because detailed information on the family income background of graduate students in different types of institutions is not available.) The table shows very little difference between the subsidy distributions of the two bills although the Senate bill distributes a larger share of the funds to low and middle income students and a smaller share to graduate students than the House bill.

Several adjustments to the basic formulas in the Senate and House bills have the effect of shifting dollars among types of institutions, but their impact on the distribution of subsidies by income class is small.

TABLE 11.—INSTITUTIONAL AID UNDER 2 BILLS

| Income class | Senate bill: Amount at full funding (millions) | Senate bill: Percent of total | House bill: Amount at full funding (millions) | House bill: Percent of total |
|---|---|---|---|---|
| Under $3,000 | $13.2 | 2.6 | $33.2 | 2.1 |
| $3,000 to $4,999 | 23.4 | 4.6 | 60.4 | 3.8 |
| $5,000 to $7,499 | 51.4 | 10.2 | 133.3 | 8.5 |
| $7,500 to $9,999 | 67.0 | 13.2 | 187.6 | 11.9 |
| $10,000 to $14,999 | 176.3 | 34.8 | 513.8 | 32.7 |
| $15,000 and over | 138.5 | 27.4 | 466.9 | 29.7 |
| Graduate Students | 36.1 | 7.1 | 176.3 | 11.2 |
| Total | 506.0 | 100.0 | 1,571.4 | 100.0 |

Sources: For Senate bill, distribution of schools by size and type taken from U.S. Office of Education, "Digest of Educational Statistics, 1970," table 113, p. 85. Within type of school, basic grant recipients were distributed to various size schools in proportion to total enrollment.

For House bill, enrollment by level was taken from U.S. Office of Education, "Opening Fall Enrollment in Higher Education, 1970: Report on Preliminary Survey," table 2, p. 10, and "Opening Fall Enrollment in Higher Education, 1969: Supplementary Information, Summary Data," table 6, pp. 36–62. Portion for cost of instruction allowance was taken from Carnegie Commission on Higher Education," Institutional Aid: Federal Support to Colleges and Universities," table F–27, p. 186, adjusted to Office of Education institutional categories.

In all cases, all students (both graduate and undergraduate) were assumed to benefit equally from the institutional aid.

TABLE 12.—DISTRIBUTION OF INSTITUTIONAL AID AMONG INSTITUTIONS UNDER FORMULAS

| Institution | Based on number of basic grant recipients | Senate bill formula | Based on enrollment | House bill formula |
|---|---|---|---|---|
| Public: | | | | |
| University | 21.8 | 11.5 | 28.6 | 25.4 |
| 4-year | 28.7 | 26.0 | 24.1 | 24.5 |
| 2-year | 26.8 | 29.5 | 20.9 | 14.4 |
| Total | 77.3 | 67.0 | 73.6 | 64.3 |
| Private: | | | | |
| University | 4.8 | 4.0 | 8.4 | 9.2 |
| 4-year | 15.9 | 25.5 | 16.4 | 24.1 |
| 2-year | 1.9 | 3.5 | 1.6 | 2.5 |
| Total | 22.6 | 33.0 | 26.4 | 35.8 |

Sources: See table 11 for Senate and House bill distributions. Distribution of basic grant recipients from app. A (assumes all students with family income under $11,100 are eligible). Enrollment distribution calculated by adjusting the undergraduate totals of app. A for the share of full-time equivalent enrollments represented by graduate students in each type of school in 1969–70 from U.S. Office of Education, "Opening Fall Enrollment in Higher Education, 1969," table 6.

The House bill makes several adjustments to a simple enrollment formula, which tend to divert funds from public 2-year colleges to private 4-year institutions. (See Table 12 for a comparison of institutional aid based simply on full-time equivalent enrollment and the House bill.) Among these provisions are those that specify larger per capita sums for upper division and graduate students than for lower division students (diverts money toward universities and away from public two-year colleges); a provision that gives an additional bonus for schools with small enrollments (diverts funds to private four-year colleges) and a provision that one-third of the funds be distributed on the basis of the existing Office of Education student-aid programs (in which public two-year colleges are underrepresented and private institutions are overrepresented).[12] The effect of these provisions is to lower the share of the subsidy going to the public sector to 64 percent compared to 74 percent share that would be received if allocations to institutions were based solely on full-time equivalent enrollments.

The Senate bill also contains adjustments that aid the private sector. This goal is accomplished by a formula that very severely penalizes institutions with large enrollments and very generously rewards small colleges and universities. For example, the cost of instruction allowance in the Senate bill would provide a grant of $250 per student to an institution with a 1,000 enrollment, half of whom are eligible for Basic Grants. In a 30,000 student college, half of whose enrollment is eligible for Basic Grants, the federal payment would be $55 per student. Public institutions, especially universities, tend to have large enrollments; thus, these provisions of the Senate bill draw funds aways from public universities compared to what they would have received under a distribution based solely on the number of Basic Grants recipients. The major beneficiary of the shift is the four-year private college as shown in Table 12.

Table 11 shows the full-funding implications of the institutional aid approaches. The House bill provides for over $1.5 billion in institutional aid, an order of magnitude comparable to the cost of the Senate's Basic Grant program. The Senate bill provides only $506 million in institutional aid. To the extent that the Congress foresees a limited pot of money available for higher education subsidies, it is clear that the Basic Student Grant program and the House-version of institutional aid will compete for the lion's share of the money. It is, therefore, not inappropriate to compare the incidence pattern of Basic Grants with the institutional aid program of the House. Such a comparison shows the Basic Grants program being much more redistributive to low income students than institutional aid, with 26.6 percent of Basic Grants going to children from families with under $6,000 income compared to under 10% for the House version of institutional aid.

*Goals of institutional aid*

An important question to settle in one's mind in evaluating institutional aid is what goal it is striving to achieve. A careful reading of the public record fails to make clear the case for institutional aid. One argument frequently used is that institutional aid is necessary to relieve the "financial crisis" facing higher education. But to my knowledge, no one has ever defended the specific formulas accepted by the House or Senate as even crude measures of financial distress. Cost of instruction allowances are also defended as cures for the financial problems of colleges, but also as a program that would carry out a "national purpose".

The national purpose that is supposed to be served by cost-of-instruction allowances is to offer an incentive (bribe) to all insti-

Footnotes at end of article.

tutions to admit students from families with incomes below $11,000 (Basic Grant eligibles). This purpose would seem to require some kind of evidence to the effect that, even with a generous Basic Grant program, institutions will be loathe to admit students from the family income classes that would be eligible for Basic Grants. To my knowledge, no such evidence has been offered.

Given the fact that neither body of Congress may have been aware of the full implications of all the detailed provisions of the bills that were passed, it is perhaps more relevant to ask what the effects of institutional aid *will be*, rather than what was *intended to be*.

We have no clear idea of what the impact of institutional aid will be. For some high quality institutions with stable enrollments, and very inelastic student demand curves, the result of institutional aid will probably be a greater outlay of funds per student. In many cases, this will mean an increase in the quality of education being offered (e.g. new programs will be started), but in some cases it will mean higher faculty salaries or lighter teaching loads than would have occurred otherwise. At the other extreme, in institutions with excess capacity, and highly elastic student demand, there may be tuition reductions and enrollment expansion. In the aggregate, it is likely that institutional aid would a) lower nominal tuition increases b) raise enrollments and c) enhance the dollar resources expended per student compared to the state of the world before institutional aid. But the mix of these elements at particular institutions or the overall share of each component in the national total demands a more complete knowledge of how institutions of higher education behave than is presently available.

The bribe-incentive effect on enrollment of the specific form of institutional aid embodied in the Senate bill is likely to be small compared to the Basic Grants provision of that bill, with one possible exception. The exception is that the Senate bill has a very unusual "notch" feature which provides, for example, that in colleges with enrollment over 5,000 but not over 10,000, the cost-of-instruction allowance to be paid is equal to $200 for each of the first 499 Basic Grant recipients, $85,200 for the next Basic Grant recipient, and $200 for each subsequent Basic Grantee. It is clear that an institution in this size category whose enrollment of Basic Grant students is below, but near to, 500 students may well be induced to bring Basic Grantee enrollments up to that level. (Our last table assumed that all institutions would react that way.) On the other hand, the bill provides that for institutions in the size class between 2,500–5,000 students, cost of instruction allowances are to be $300 for the first 249 recipients, $35,300 for the next Basic Grantee, and $300 per aided student thereafter. Thus, it is not unlikely that institutions whose enrollments are slightly above 5,000 students might not "hire" more needy students, but rather contract in size in order to cash in on the cost-of-instruction allowance.[13] So even in this case, there is some ambiguity in the admissions policy outcome.

More importantly, the school which is above the "notch", is supposed to be effectively bribed into accepting a Basic Grant eligible for a marginal payment of from $500 (for very small colleges) to $100 (for institutions over 100,000 enrollment), under the model that lies behind the cost-of-instruction allowance. This seems to me to miss the really important point of the Senate bill which is that every student is guaranteed, at full funding, to have $1,400 in his pocket from his parents or the government. This point, in the mind of even a penny-pinching admissions officer, would dominate his decision on whether to grant admittance to a low or moderate income student, for it represents a substantial saving in institutional student aid and a potential source for increasing revenues through a tuition increase. The cost-of-instruction allowance is more likely to be treated as a windfall, rather than as a determinant of admissions behavior.

At less than full-funding of Basic Grants, the effect of cost-of-instruction allowances on admissions policies can best be addressed as follows. Are admissions of Basic Grant recipients facilitated more by giving $506 million in cost-of-instruction allowances or by using the $506 million to raise the maximum Basic Grant from $900 to over $1,200? (Table 10 shows that the increased federal budget outlay, under the floating ceiling method, of moving from a $900 to a $1,200 ceiling on Basic Grants is about $500 million). No one has the detailed knowledge about the admissions behavior of colleges and universities or on student responsiveness to varying grant levels, to predict the likelihood of enrollment increases under the two alternatives. But a good case can be made for enriching the Basic Grant program rather than providing a bribe. (I cannot imagine that a Congressional committee intent on alleviating hunger would even hesitate to enact a food stamp program costing $500 million rather than a system of bonuses costing $500 million to retailers based on the proportion of their customers who are needy.) It may be true that under the cost-of-education approach, Basic Grant eligibles are more likely to be dispersed among institutions than if the funds are channeled through the students. As indicated previously, if Congress feels that some institutions have an environment particularly well-suited to Basic Grant recipients they can allocate Supplementary EOG's to such institutions.

*Summary*

Institutional aid is a response seeking a stimulus. No clear cut purpose has been adduced to defend the particular formula embodied in the House institutional aid provision. The aid provision of the Senate bill may change admissions behavior—in some instances in unintended ways—but a good case can be made that the monies would be better spent in an enriched Basic Grant program.

INSURED LOAN AMENDMENTS

*Description*

It has been a recurrent theme in this essay that in higher education legislation, as in courtship, "little things mean a lot". So it is with the apparently minor amendments to the Insured Student Loan program under the House bill especially.

The House bill, under amendments to the Insured Loan Program, provides:

1) An increase in the annual amount a student may borrow to $2,500 or in some cases more) and an increase to $10,000 in the total debt a student may incur under the program;

2) That the federal government will pay the student's interest liability while he is enrolled provided that his institution certifies that he is "in need" of the loan, rather than the current income-test for eligibility for interest subsidies;

3) That each college or university shall receive from the federal government a cost allowance of one percent of the insured loans extended to its students during the academic year;

4) An increase in government insurance of student loans to provide for a guarantee of interest as well as unpaid principal.

5) For an extension of the Emergency Insured Student Loan Act of 1969 to provide for government subsidies of up to 3 percent interest on the unpaid balance of insured loans over and above the interest paid by the borrower.

6) For the creation of a National Student Loan Marketing Association to serve as a secondary market and warehousing facility for student loans. (House and Senate)

*Consequences for loan volume*

In a nutshell, these amendments, if enacted, could provide a juggernaut for government subsidies. Under present law, the federal government pays interest during a student's enrollment only for those students whose "adjusted family income" (interpreted under regulations to be roughly equivalent to federal taxable income) is less than $15,000. The amendments would change this so as to provide interest subsidies to all students whose institutions certify that they are "in need" of the loans. Since very few institutions of higher education are themselves lenders, they have every incentive to certify the "need" of every student who wishes to borrow. (The legislation specifies that the college must take into account family contributions in assessing need; it does not say how the family contribution is to be calculated). Moreover, the House version provides a payment of 1% of new loans made to its students to institutions of higher education, which should fortify the incentive to approve all requests for certification of need. Thus, I would expect an extension of federal loan subsidies into the upper income ranges. (A discussion of the present distribution of loan subsidies can be found in my book, prepared for the Carnegie Commission on Higher Education: *Credit for College: Public Policy for Student Loans*, (McGraw-Hill, 1971).

In addition, the amendments should encourage a much larger annual loan volume, over and above the new demand by students from higher income families. First, the legislation allows a student to borrow up to $2,500 per annum (up from $1,500 in existing law) and an increase in the lifetime ceiling. Second, the legislation provides substantial new encouragements to lenders to make student loans. A provision enacted during the tight money period in 1969, providing that the federal government could pay lenders up to 3% interest (on top of the 7% paid by the student) if money market conditions warrant it, would be extended. Government insurance is extended to cover interest as well as unpaid principal in the event of default. And finally, the establishment of a "Sally May" for student loans would make it much easier for lenders to convert such loans into cash (i.e. make them more liquid) than is now the case.

Students of money and banking are drilled to learn that the qualities of a financial asset are its Risk, Yield, and Liquidity. Whoever put together the amendments to the Insured Loan Program learned his lesson well.

*Risk:*

The risk of default is effectively reduced to zero by the provision of government insurance on interest and principal.

The risk of capital loss that might result if interest rates rise is at least partially removed by the extension of the emergency allowance of up to 3% additional interest. This converts a student loan into a variable interest rate loan and makes it nearly risk-free. (See *Credit for College, op. cit.*)

*Yield:*

The limit on student charges of 7% annual interest is supplemented by the special allowance noted above. If a college is the lender, it also receives the 1% cost allowance, raising its gross yield.

*Liquidity*

Sally May will be empowered to buy student loans outright or to lend to an institution which warehouses its loan paper with Sally May. Thus, student loans would become at least as liquid as government-backed mortgages and probably more so, since student loans are not issued for terms in excess of ten years.

Footnotes at end of article.

*Impact on Federal budget*

These sweeteners to the Insured Loan Program come at a time when it is growing rapidly and when the government subsidies to support the program are growing even more rapidly. The most rapid growth of all is in federal payments for defaults under this program. The data to support these assertions are given in Table 13.

TABLE 13.—OPERATING CHARACTERISTICS OF THE INSURED LOAN PROGRAM

[Dollars in thousands]

| | Fiscal year 1970 | Fiscal year 1972 | Percent change |
|---|---|---|---|
| Volume of insured loans | $987,583 | $1,178,353 | 19.3 |
| Interest subsidies | 112,392 | 196,600 | 74.9 |
| Net loss of student loan insurance fund | 1,848 | 8,479 | 358.8 |

Source: "Budget of the U.S. Government," app., fiscal years 1972 and 1973.

Under these circumstances, it is not implausible that federally insured student loans might reach an annual volume of $2 B in a few years. Were that to be the case, the Federal subsidies implicit in the program could be estimated as follows:

1) $367 million for interest subsidies. At a $2 B loan level, if it is assumed that students will remain in subsidized status for an average of 3 years, the annual federal subsidy would be 7% times $2 B or $140 million per annum. Rather than sum the $140 million over 3 years, I have noted the present value, discounted at 7% of 3 such payments. This method of computing subsidies is superior to the practice usually used of computing annual outlays for interest subsidies because it attributes to the budget year all the subsidies implicit in the loans made in that particular year.

2) Up to $162 million for special allowance interest subsidies. Assuming that the $2.0 B level is reached in 3 years with loan levels of $1.6 B, $1.8 B, and $2.0 B, total outstanding principal in the final year would be about $5.4 B. Special allowances permit a federal payment of up to 3 percent on all outstanding balances.

3) $20 million in cost allowances to institutions of higher education. This is 1% of current loan volume.

4) All costs of default. Unless some new provisions are instituted the cost of defaults could mount into the many tens of millions, especially with the improved federal insurance provisions currently proposed.

5) Any losses of the Student Loan Marketing Association. Although Sally May would be set up as a private corporation, the federal government would be the guarantor of its debt. In addition, there is a proposal in the fiscal year 1973 federal budget, for the purchase of $288 million of low-interest National Defense Student Loans by Sally May. Since such loans are inferior (to the holder) to federally-insured loans, the federal government would have to pay Sally May for any losses it incurs in holding such loans. Such payments could be strung out over a number of years, but I have estimated that the interest subsidy implicit in a National Defense Student loan is about 33% of its face value. (*Credit for College, op. cit.*, P. 136.) At that rate of subsidy, annual losses that the federal government would have to make up to Sally May would be about $96 million plus any losses incurred under the teacher cancellation provisions of the National Defense Loan program.

*Summary and conclusions*

The amendments to the Insured Loan Program imply a federal subsidy to borrowing students of as much as $600–$700 million within a few years. These subsidies, under the amendments in the current legislation, would be entirely untargeted: in practice they would, I believe, be available to any student who persuaded his student financial aid officer that he had "need".

I have argued at length elsewhere (Credit for College) that student loans should be expanded and that repayment burdens should be lessened through such devices as lengthening repayment periods or adjusting repayments to income. But I also argued, I thought persuasively, that the justification for government interest subsidies in such a program was relatively weak. Now that the Insured Loan Program is getting out of the peanuts category in the federal budget, the time has come to reexamine whether it is a suitable vehicle for carrying a half-billion dollars worth of subsidies to higher education. Since such loans can be encouraged without interest subsidies to students, or special allowances to lenders, by the simple procedure of letting the market determine the interest charge in a federally-guaranteed program, I believe it is clear that these subsidies are an inferior form of federal aid.

CONCLUDING COMMENTS

Perhaps the most important lesson to be learned from this review of the subsidy provisions of the current higher education legislation is that very few real issues in federal subsidy programs can be resolved by appeal to general theory. While theory can guide the general focus of federal subsidy programs, this paper makes clear that millions of dollars often ride on apparently minor provisions in federal legislation. These provisions deserve deep scrutiny, during the authorization legislation process, to avoid federal subsidies getting out of hand or into the wrong hands. This scrutiny is especially important in authorizing legislation that creates "entitlements" (as in Basic Grants) or creates "uncontrollable" budget items (as in the insured loan program) for in these cases the appropriations process is an inadequate check on faulty or inadvertent authorizing legislation.

As a fairly close observer of the recent legislative process, I am convinced that Congress had inadequate information on which to base decisions on the higher education legislation. Part of the reason is that data and knowledge of some crucial aspects of higher education are not available. This shortcoming hampered this paper's attempt to analyze the legislation as well. But the fact is that there is enough information and knowledge to inform Congress a lot better than was the case during the past year.

The problem seems to be that there is no staff available to the Congress whose main function is to prepare objective analyses of the detailed alternatives being considered in committee, on the floor and in conference. Committee staff simply do not have the time necessary to do the detailed work required. Executive agency staffs are too often partisans of one particular bill or of a clause in a bill, to provide objective evidence. Or, as is often the case, several agencies are interested in a bill and one agency's objectivity is impaired by the pressure to win a battle over another agency.

The Legislative Reform Act of 1970 provided for an expanded staff for the Congressional Reference Service (CRS) and the responsibilities of the General Accounting Office (GAO) have been broadened. Part of either of these agencies could be developed into the kind of staff that the Congress could turn to for objective analysis of detailed legislative alternatives. To be effective, such a staff would have to have the capability for relatively fast response to specific questions and it would, naturally, need the cooperation of both the executive branch and congressional staffs. The staff performing legislative analysis would have to be free of more trivial information requests. It seems to me that it is at least worth an experiment to establish in either GAO or CRS over the next few years a staff with these functions. It would be interesting, then, to see whether the next cycle of higher education legislation will emerge from a well-informed Congress.

APPENDIX A[14]

DETERMINATION OF BASIC GRANTS

I. A distribution of 5.3 million full-time undergraduate students in 1970–71 was generated as follows:

[In thousands]

| Income class | Public | | | Private | | |
|---|---|---|---|---|---|---|
| | University | 4 year | 2 year | University | 4 year | 2 year |
| Under $3,000 | 28 | 41 | 45 | 3 | 13 | 2 |
| $3,000 to $4,999 | 44 | 65 | 72 | 10 | 38 | 3 |
| $5,000 to $7,499 | 92 | 136 | 152 | 24 | 89 | 12 |
| $7,500 to $9,999 | 172 | 211 | 169 | 38 | 114 | 13 |
| $10,000 to $14,999 | 531 | 570 | 407 | 115 | 311 | 32 |
| $15,000 and over | 615 | 332 | 186 | 171 | 391 | 35 |

Estimates of full-time enrollment, by income class, from U.S. Census Bureau, Series P–20, No. 222, *School Enrollment: October, 1970*, Table 14 (data for "married, spouse present" were omitted) were enlarged to be consistent with the U.S. Office of Education's estimate of 5.3 million full-time undergraduates. This enlargement was made so as also to be consistent with unpublished Office of Education's estimated distribution of students by income quartile. Students were then distributed to types of institution according to unpublished estimates from the U.S. Office of Education. This distribution was then checked for consistency with U.S. Census Bureau, Series P–20, No. 231, *Undergraduate Enrollment in Two-Year and Four-Year College: October, 1970*, Table 8.

II. The following estimates of average costs for each type of institution were taken from the College Entrance Examination Board, "Estimates of the Distribution of Federal Student Grant Funds" (Washington, D.C., mimeo., 1972), p. 9: (rounded to nearest $10)

| | |
|---|---|
| Public university | $2,240 |
| Four year | 1,970 |
| Two year | 1,180 |
| Private university | 3,970 |
| Four year | 3,320 |
| Two year | 2,740 |

III. The following estimates of average expected family contribution were taken from College Entrance Examination Board, *Manual for Financial Aid Officers*, 1967 and 1971 editions, Table A (all estimates assume two dependent children family). Averages were estimated at a point calculated as 60 percent above the lower bound of the class.

| Year | Income class | | | | |
|---|---|---|---|---|---|
| | Under $3,000 | $3,000 to $4,999 | $5,000 to $7,499 | [1] $7,500 to $9,999 | $10,00 to $11,100 |
| 1967 | 0 | 160 | 640 | 1,150 | 1,490 |
| 1971 | 0 | 0 | 160 | 730 | 1,120 |

[1] In the $7,500 to $9,999 class, the average contribution was based only on eligible students who are 0.7 of this income class, having incomes under $9,400, under the 1967 tables.

IV. For each cell in the distribution of students in I, an average grant entitlement was determined according to the following formula:

Basic Grant = Min [$1,400 — Family Contribution, ½ cost]

Hence total estimated from these data assume that average cost and average expected

Footnotes at end of article.

contribution are representative of all students within a given cell.

V. Entitlements to part-time students were estimated as equal to 7.2 percent of entitlements to full-time students. This estimate is consistent with the results of an unpublished analysis done by the Department of Health, Education, and Welfare, Office of the Assistant Secretary for Planning and Evaluation, November 1971.

VI. Enrollment rates and the pool of non-students from which enrollees could be induced by a basic grants program were based on data for primary family members, aged 18–24, from U.S. Census Bureau, Series P–20, No. 232, *op. cit.* Table 14. The size of the cohort in each income bracket was enlarged to make the data consistent with U.S. Office of Education enrollment data cited in I above. This procedure yielded the following estimates of total college eligible population and the percentage enrolled by income class:

| Income class | Eligible population | Percen enrolled |
|---|---|---|
| Under $3,000 | 1,023,000 | 12.9 |
| $3,000 to $4,999 | 1,282,000 | 18.1 |
| $5,000 to $7,499 | 1,899,000 | 26.6 |
| $7,500 to $9,999 | 2,151,000 | 33.3 |
| $10,000 to $14,999 | 4,760,000 | 41.3 |
| $15,000 and over | 3,078,000 | 56.2 |

FOOTNOTES

[1] This paper was supported in part by a grant from the Ford Foundation to the Brookings Institution. The views presented are those of the author and not necessarily those of the officers, trustees, or other staff members of the Brookings Institution or the Ford Foundation.

[2] The Senate bill provides that "one-half of veterans benefits and payments under the Social Security Act shall not be included" in determining expected family contributions. The estimates in Table 1 ignore this provision in large part because of the ambiguity of the requirement. If half of the payments to discharged or disabled, veterans or dependents of deceased veterans were added to family income in determining family contributions, the federal budget cost would go down by as much as $88 million in 1970–71 using the 1971 CSS Table. Similarly if aid to students aged 18–21 who are beneficiaries of the Social Security program aiding children of deceased, retired and disabled workers were included in family income, federal budget savings could amount to about $41 million in 1970–71 under the 1971 CSS Table. Thus the cost estimate using 1971 tables may be 8–9 percent too high. On the other hand, vocational school students, many of whom would be eligible for Basic Grant benefits are omitted from our calculations for lack of available data.

[3] Estimates based on full-time undergraduate costs and enrollments only.

[4] Many low-income students do, of course, receive aid in the form of government subsidized wages (as under the College Work-Study program) or loans (as under the low interest National Defense Student Loan Program), but these payments entail work or repayment obligations and are not pure subsidies.

[5] In the 1971 CSS tables, a family contribution of $1,400 is reached at an income level of $12,000 for 2 dependent child families.

[6] When the half-cost provision is taken into account the floating ceiling method yields higher grants to students who attend low-cost colleges than does the additional family contribution method. This fact is taken into account in tables 9 and 10.

[7] Ratable reduction combined with the half cost provision of the Senate bill really does in the low-income student attending a public junior college. If his school's cost is $1,200 the maximum Basic Grant—at full-funding—would be $600. Under ratable reduction with a federal budget for Basic Grants of $1 B, the grant would be slashed to about $330. For a student whose family cannot contribute anything to his higher education, this grant is not much better than nothing.

[8] The current (1971–72) estimate is based on Joseph Boyd's tabulation of $191 million in state scholarship programs in 1969–70 increased at 19.5 percent per annum thereafter. This is the rate of increase from 1968–69 to 1969–70 estimated by Boyd for competitive state programs. (See U.S. Office of Education, *Trends in Postsecondary Education.*)

[9] I am assuming that a provision requiring states to allow students to use state scholarships at private institutions would be a mandatory requirement imposed by the Commissioner of Education. To permit a state to limit its scholarships to public institutions would convert the State Scholarship Incentive program into a federal general aid program for the public sector, which seems to be far removed from the Congressional intent.

[10] Russell Edgerton called this provision to my attention and I am indebted to him for useful comments on this point.

[11] For a development of this argument, see my comment on a paper by James Buchanan: "An Alternative View" (AGB Reports, Vol. 14, No. 4, January 1972).

[12] The House bill includes veterans benefits as well as Office of Education student aid programs in the ⅓ component. We have omitted veterans payments for lack of data on veterans' enrollment.

[13] The table below shows the relation of the federal payment to total enrollment and Basic Grant enrollment at an institution with about 5,000 students. The reader can judge whether the institution shown in line 1 is more likely to transform itself into a line 2 or line 3 school under the Senate bill.

| | Basic grant eligibles | Federal payment |
|---|---|---|
| Total enrollment: | | |
| 5,001 | 300 | $60,00 |
| 5,201 | 500 | 185,000 |
| 5,000 | 300 | 125,000 |

[14] This Appendix and all computations for this paper were prepared by Daniel Sullivan of the Brookings Institution.

## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I shall vote for the conference report. I voted for the Griffin effort to recommit the bill to the conferees on another issue, but I shall vote for the conference report today because I think, with its flaws and weaknesses, the conference report represents an advance.

However, as a member of the Appropriations Committee I expect to do what I can to further the policy recommended by Professor Mundel and Dr. Hartman to provide the kind of higher educational program that I think the people and the Congress expect, and that is to help students who need help. This is where our limited amount of Federal dollars should go in higher education, and certainly should not continue to be spent in a disorganized, helter-skelter, chaotic way to provide assistance without providing either better education for those who need it or permitting young people in our society to take advantage of higher education.

## 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 15 minutes, with statements therein limited to 3 minutes.

## THE PERSONAL STATEMENT OF SENATOR GRAVEL

Mr. SAXBE. Mr. President, I listened with interest to the remarks of the Senator from Alaska. I am somewhat familiar with his conduct, having been one of the Senators who argued before the Supreme Court the legal procedure question that arose from it.

It is somewhat inhibiting to speak about this matter on the Senate floor because of the limitations on reflections on a Member's character. However, I am convinced that the Senator from Alaska wants to be tried by the Senate, but I am also convinced that to do so, it must be the majority that tries him, because as long as he has the protection of an indulgent majority, he will continue his activities until such point that they recognize the problem and will have to take some action. But for the minority to proceed and thereby force the majority into a situation where they have to rally to his defense would be meaningless, and I submit that, given enough time, I am sure that he can accomplish what he has set out to do.

I understand and am reliably informed that he toyed with the idea of appearing before a subcommittee of the Committee on Commerce and discussing some of the secret data in regard to a cooling system for a nuclear reactor. This system also happens to be one of the most vital items in our nuclear submarine, and I think good sense prevailed and he did not do so. But I submit that at some time in the future this will happen again, and at that time, whether it is on the subject of Vietnam, on a nuclear reactor, or on some other classified information, the majority will be jarred into recognizing that they have a problem, and at that time and not until that time will the Senate move to censure.

I am one of those advocates who argued in the Supreme Court, that the Senate should police its own house. I still believe this. But that argument, I admit, wears rather thin when there is no indication of interest by the majority; and certainly for the minority to undertake it would not only be pointless, but would play into the hands of the individual who abused his discretion.

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

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

Mr. SAXBE. I had finished.

Mr. MANSFIELD. I withdraw that, and I yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, relative to the last point—my colleague from Ohio claims that he is reliably informed that I have information on nuclear reactors—I must ask how this issue is involved in that hoax. I know nothing about such hearings, and I do not have

any secret data in my possession on any nuclear reactors. But I cannot help snickering that my colleague thinks it is a big deal to have secret data on nuclear reactors, which are going to be used to generate electricity in this country. I can see having some secrets relative to technical data that relate to weaponry, but when we are talking about generating electricity and the problem of having a blackout or a brownout in this country, and someone stands on this floor and says there are secrets in connection with that, I say this is but another example of a routine that has been used on me fairly effectively, although somewhat senselessly. Their thought seems to be, "Because we cannot get a censure going, we will talk about the death penalty under the Atomic Energy Act." So I construe the Senator's statement to imply that if they cannot get a censure going in the Senate, they are going to put a cross up and seek to nail me to it.

My colleague says I want to be tried. I do not want to be tried. I think that is ridiculous. I think the whole move to censure is a type of intimidation. If there is something wrong in what I have done, will someone please come forward and put his finger on it? If there is a law broken, let us put our finger on the page in the book. If something has been done to hurt this country, let us put our finger on it, so that we can all look at it and say, "Oh, my God, look what has been done."

The Senator says I want to be tried. Mr. President, I do not want to be tried. I value my position in this body. Apparently there are some Members of the minority, and I do not impugn their motives, I simply make this as a statement of fact, whom I would call the know-nothings. That used to be the name of a political party in this country. I say know-nothings because I sent out to all the Members of this body copies of the NSSM reports. Twelve of the Members of this body sent back the information without reading it. The only conclusion I can come to is that they are know-nothings; they do not want to know anything about the facts. Senators have all heard the old cliche, "Don't confuse me with the facts, my mind is made up."

So when my colleague talks about my wanting to be tried, I say let us talk about what is important: Is there really anything to be tried about? I say not. I say what I have done is in the finest tradition of this body. Our function is to communicate—that is what debate is, communication. And, Mr. President, that is what I have done, communicated with the people of my State and the people of my Nation.

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

Mr. MANSFIELD. I yield the Senator my time.

Mr. GRAVEL. I thank the majority leader.

I realize this has been a most trying experience, because it involves personalities inadvertently. I think this body, when it finds itself impotent in its legislative role, finds that all it can do is act as a conduit of information. The Senator from Pennsylvania says I have broken the law. He still has not come up with any proof of this, because the law is two-pronged.

First, you must want to hurt your country. I do not want to hurt my country. I love my country. I have given the information in the hope of shortening the war and lessening the deaths of Americans and Asians.

Second, the other part of the act is very simple. The information has to hurt the country. Let those who decry what I have done come forward with some proof that this information has hurt the United States of America. That proof does not exist, and the reason why it does not exist is because, in a democracy, you can only help the fiber and strength of your government through discussion and through dialog. If there is anything we suffer from today, it is the fact that we cloud our activity with secrecy, and secrecy is anathema to democracy.

I do not care if it is I or anyone else, if it is a good Senator or a bad Senator, a good President or a bad President, there is only one check and balance that can ultimately be dependably adhered to, and that is the total scrutiny by the American people of the actions that we take. That scrutiny has been abrogated. That check, so vital to sustaining this system of democracy, has been abrogated these last 25 years, and that is why we find ourselves in the present situation, in a war that should never have begun.

I lay down the challenge again: If there is a place where I have broken the law, please point to it. If not, I shall wait patiently—and I am prepared to wait for the remainder of my political career—for the apology which I am sure will come in time, because of the high character and the stature of the persons who have unfortunately chosen to assail me. I find them to be persons of great integrity, and I am sure that in time their integrity will assert itself, regardless of what passing tremulation it might cause.

The ACTING PRESIDENT pro tempore. The time of the Senator from Alaska has expired, and the time for the transaction of routine morning business has also expired. Morning business is concluded.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the city of Revere, Mass., praying for the enactment of legislation relating to a reduction in the noise of jet aircraft; to the Committee on Commerce.

A resolution adopted by the Council of the City of Beverly Hills, Calif., favoring an immediate withdrawal of all Armed Forces of the United States from Indo-China; to the Committee on Foreign Relations.

## ENROLLED BILLS SIGNED

The PRESIDENT pro tempore today, May 24, signed the following enrolled bills:

H.R. 14655. A bill 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; and

H.R. 14582. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. MAGNUSON, from the Committee on Commerce:

Ricardo A. Ratti, for promotion to the grade of rear admiral in the Coast Guard; and

Charles J. Hanks, for promotion to the grade of rear admiral in the Coast Guard Reserve.

## EXTENSION OF TIME FOR A COMMITTEE TO FILE A REPORT

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Committee on Government Operations have 7 additional days, until May 31, 1972, to report S. 3419, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The PRESIDING OFFICER (Mr. FANNIN). 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. CASE:

S. 3637. A bill providing that no funds may be obligated or expended to carry out certain agreements to which the Senate has not given its advice and consent. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (by request):

S. 3638. A bill to amend the Merchant Marine Act of 1970. Referred to the Committee on Commerce.

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

S. 3639. A bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions. Referred to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 3640. A bill for the relief of Peggy S. Foy. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3641. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. HART):

S. 3642. A bill to supplement the antitrust laws of the United States providing for fair competitive practices in the termination of gasoline dealers franchise agreements. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3637. A bill providing that no funds may be obligated or expended to carry out certain agreements to which the Senate has not given its advice and consent. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I am today introducing a bill which provides that no money can be spent to carry out an agreement with a foreign country for an American military base or for the storage of nuclear weapons in that country unless the agreement is submitted to the Senate as a treaty and the Senate then gives its advice and consent.

My bill would also apply to agreements with foreign countries which revise or extend military base or nuclear storage arrangements previously entered into.

The power of the purse is Congress' ultimate weapon, and I am proposing that it be used to right the imbalance which has grown up in the conduct of our foreign relations. I am trying to change the practice that has become so prevalent under the last six Presidents of entering into arrangements with foreign governments under the cover of so-called executive agreements and thus skirting the constitutional requirement for Senate advice and consent.

The Constitution is absolutely clear on this point. There is no question that our Founding Fathers intended that all major agreements with foreign countries be treaties, subject to Senate approval. They would not have accepted that the executive branch has the option simply to call an important commitment an executive agreement and put it into effect without the participation of the Senate. Yet, this is the current practice, and it is in direct conflict with the system of checks and balances that the Founding Fathers so carefully wrote into the Constitution.

My bill concentrates on two areas which are crucial to our national security. It does not include or exclude agreements on other subjects which, by virtue of their importance, should also be considered as treaties. Perhaps additional legislation will be necessary later.

But for now, I am chiefly concerned about, first, the stationing of American troops overseas in military bases and second, the storage of nuclear weapons abroad. Actions taken in either one of these areas can lead to a commitment toward the host country and ultimately to war. We cannot allow our country to become entangled in such serious obligations without the participation of the legislative branch, and through it, the American people.

There is no way that the Congress can compel the Executive to submit important agreements to the Senate as treaties. Yet Congress in turn does not have to appropriate any funds to pay for the costs of the agreements. And the constitutionally mandated balance between the Executive and the Congress will not be restored until the Congress takes strong action to restore it.

I have long been concerned about the abuse of the executive agreement. Nearly 2 years ago I introduced a bill in the Senate which required the Executive to send all agreements with foreign countries to the Congress within 60 days of enactment. In this way Congress would at least have knowledge of what our Government had promised other countries. Despite the administration's initial opposition, the Senate passed this bill 81–0 in February. Only last week, the administration changed its position and announced it would no longer oppose this comparatively mild measure.

But over the last 6 months there have been new examples of executive agreements being used to put major deals into effect. Clearly, congressional knowledge of these agreements, while highly desirable, is simply not enough.

Last winter, the Executive entered into agreements with Portugal and Bahrain for American military bases. In the Portuguese case, our Government promised Portugal about $435 million in credits and assistance over a 25-month period in return for continued use of bases in the Portuguese Azores. With Bahrain, we agreed on the establishment of military facilities on that Persian Gulf island at annual rental of several hundred thousand dollars a year.

I wrote to the administration asking that these two agreements be submitted to the Senate as treaties—but with no success. Then I introduced a Senate resolution which stated that the administration should submit the two agreements as treaties. This resolution passed the Senate 50 to 6 in March, but the administration refused to adhere to the sense of the Senate, which, of course, was not binding. I was not content to let the matter drop, and on April 4 I introduced a bill which cuts off all money to implement the Portuguese and Bahrain agreements until they are submitted to the Senate as treaties.

Mr. President, the Foreign Relations Committee yesterday approved this bill for the cutting off of implementing funds for the two agreements until they are submitted to the Senate as treaties. At the same time, the Foreign Relations Committee also approved the substance of the bill which I am introducing today. Thus, the specific fund cut off for Portugal and Bahrain and the broader measure blocking funds for future executive agreements on military bases and nuclear weapons storage will both be included in this year's Foreign Assistance Act which will soon be before the Senate.

Mr. President, I ask unanimous consent that a copy of the bill I am introducing be included in the RECORD along with an article I recently wrote for the Christian Science Monitor and other newspaper articles.

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

S. 3637

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no funds may be obligated or expended to carry out any agreement, on or after the date of enactment of this Act, between the Government of the United States and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, (2) revising or extending the provisions of any such agreement, or (3) providing for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this Act shall be construed as authorizing the President to enter into any agreement, relating to any other matter, with or without the advice and consent of the Senate.

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[From the Christian Science Monitor, May 15, 1972]

SEPARATION OF POWER

(By Clifford P. Case)

As every schoolchild knows, the American constitutional system is based on checks and balances. Fearing the concentration of power in one man or even one branch of government, the Founding Fathers wrote a Constitution in which each branch found its authority limited by the other two.

Thus, the executive was to make treaties with foreign countries, but these treaties were not to have effect until approved by two-thirds of the Senate. In this way, it was thought, the executive alone could not involve the country in a foreign entanglement.

Yet the practice has grown increasingly common under the last five presidents for the executive branch unilaterally to bind the United States in agreements with other countries. The device used has been the so-called executive agreement, which is nowhere mentioned in the Constitution. Under executive agreements, the United States has been committed to destroyers-for-bases, lend lease, Korean mercenaries, and Spanish bases. Congress has always been asked to pay the cost of these deals but has never been able to exercise its constitutional responsibility of considering them in advance.

Questions that vitally affect our national security should be treaties—not executive agreements.

In deciding which form to use, the real test must be: If it is important, it should be a treaty. And as Sen. Harry Byrd recently stated, "The doubt should be resolved in favor of the legislative (i.e., treaty) process."

For example, the stationing of American troops abroad can lead to a commitment to the host country and ultimately to war. It is simply too important a question, from both a constitutional and a practical standpoint, to be handled by the stroke of a diplomat's pen in an executive agreement.

Yet, in recent executive agreements, the United States "committed" itself to provide Portugal with about $436 million in assistance and credits in return for a 25 month extension of the use of military bases in the Azores, and also agreed to pay several hundred thousand dollars a year to Bahrain for U.S. military facilities on that Persian Gulf island.

For the last five months, I have been working to have these two agreements submitted to the Senate as treaties. When my informal approaches to the administration failed, in December I introduced a resolution calling for the treaty form to be used in both cases. On March 3, the Senate passed my resolution by a vote of 50-to-6.

Still in a March 21 letter, the administration stated that after "serious consideration," it would not submit the agreements to the Senate. Claiming that the agreements "were appropriately concluded as executive agreements," the State Department's only reaction to the overwhelming vote on my resolution was to "have noted the sense of the Senate."

I understand full well that a Senate resolution is not legally binding, so the State Department technically has the right only to "note it." Yet I must say that the attitude of the department was most unwise and shortsighted in the extreme.

At that point I was faced with two choices: Either I could let the matter drop—content to have a resolution with my name on it passed by the Senate—or I could at least try to take further action. I chose the lat-

ter course because I believed a fundamental constitutional question was at stake, and on April 4 I introduced a bill (S. 3447) which would cut off all the implementing provisions of the Portuguese and Bahrain agreements until they are submitted to the Senate as treaties.

The Senate cannot compel the executive to submit the agreements, but at the same time the Senate does not have to appropriate any money to pay for the costs of the agreements. The withholding of appropriations is Congress's ultimate recourse and should be used, albeit judiciously, in foreign as well as domestic affairs.

Some commentators have mentioned my actions as a part of what is known as the reemergence of Congress in foreign affairs. That is a correct interpretation as far as it goes. But I would look at it more as an effort to return to the letter and the intent of the Constitution. I am no at all interested in the aggrandizement of senatorial power for its own sake. What I am interested in is preventing the executive branch from committing our country to significant and often irrevocable courses of action without approval of the Congress and ultimately the people.

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[From the New York Times, Apr. 3, 1972]

AID CUTOFF URGED OVER BASE PACTS—AIM IS TO FORCE WHITE HOUSE TO SEEK SENATE APPROVAL

(By John W. Finney)

WASHINGTON, April 2.—Senator Clifford P. Case proposed today that Congress cut off all assistance to Portugal and Bahrain until the executive branch submits recent base agreements with the two countries to the Senate in the form of treaties.

The New Jersey Republican, contending that "a fundamental constitutional question is at stake," sought to provoke a confrontation with the Administration over its right to bypass the treaty-making powers of the Senate by entering into international executive agreements, which do not require the consent of Congress.

The tendency of the executive branch over the last three decades to rely upon executive agreements rather than treaties has been developing into a major issue as the Senate attempts to reassert what it regards as its foreign policy powers. The Case proposal represents the first attempt to use the ultimate power of Congress over the purse strings to force the executive branch to enter into treaties rather than executive agreements.

TO OFFER AMENDMENT

Senator Case announced that he planned to offer an amendment to the military aid authorization bill that would block all assistance promised to Portugal and Bahrain in recent base agreements until the Administration submitted the two executive agreements to the Senate as treaties.

The amendment would cut off $435-million in credits and assistance promised to Portugal in return for a 25-month extension of base rights in the Azores and would prevent the payment of a few hundred thousand dollars in annual rent to Bahrain for the continued use of a small base by the Navy.

Senator Case said in a statement that he would have preferred that "this matter be handled in a less drastic fashion." But he said he felt he had no recourse in view of the Administration's "refusal to take heed of the Senate's will on this question."

On March 3 the Senate approved by a 50–6 vote a Case resolution urging the Administration to submit the Azores and Bahrain agreements to the Senate as treaties. The vote, the Senator said, was "significant not only because of the overwhelming majority by which it was adopted but also because Senators of all ideological persuasions joined in the effort to reassert the Senate's explicit constitutional role in the treaty-making process."

RESOLUTION IGNORED

Senator Case disclosed that the Administration had chosen to ignore the non binding resolution.

In a March 21 letter to the Senator, David M. Abshire, Assistant Secretary of State for Congressional Relations, said the State Department had "noted the sense of the Senate" but had decided not to submit the Azores and Bahrain agreements.

The State Department position, Mr. Abshire wrote, was that the base arrangements were "appropriately concluded as executive agreements" since they "involve no new policy on the part of the United States nor any new defense commitment."

The letter said that to seek Senate advice and consent "would be in our view carry a strong implication of new commitments that were not in fact intended by the parties."

Senator Case protested that the State Department's attitude was "most unwise" and "short-sighted in the extreme."

"The framers of the Constitution," he said, "were explicit in their inclusion of the requirement for advice and consent of the Senate in the making of a treaty. And nowhere in the Constitution did they mention that the executive could skirt Senatorial approval by simply calling a pact with a foreign government an executive agreement."

"The Senate cannot compel the executive to submit any agreements," he said, "but at the same time the Senate does not have to appropriate any money to pay for the agreements' cost."

If the amendment were attached to the military aid bill, the issue would go to a Senate-House conference committee, where House conferees probably would oppose the restriction. But the Senate conferees, drawn from the Foreign Relations Committee, would be in a position to demand acceptance of the amendment as a price for approving the bill.

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[From the Washington Post, Apr. 3, 1972]

SENATE TO TEST NIXON POWER ON TREATIES

(By Spencer Rich)

Angry with the administration for refusing to submit the issue to the Senate in treaty form, Sen. Clifford P. Case (R.-N.J.) plans to move Tuesday to block the Nixon administration from setting up two military bases in Bahrain and the Portuguese-owned Azores islands.

Case announced that he will submit legislation cutting off all proposed U.S. payments to Portugal and Bahrain for the bases until the administration seeks each base agreement as a treaty requiring a two-thirds Senate vote.

The Case move which is expected to receive broad backing in the Senate, is another incident in the prolonged confrontation between the Senate and the Executive Branch over control of foreign policy. It is unlikely, however, that a Senate bill requiring submission of the accords as treaties would pass in the House.

Case contends that the base agreement with Portugal and Bahrain contain substantial commitments by the United States and should be submitted to the Senate in treaty form for ratification by the normal two-thirds vote. The Senate on March 3, by a 50-to-6 vote, passed a resolution asking that the agreements be submitted in treaty form.

However, the administration informed Case March 21 that it believes the agreements for the two bases were "appropriately concluded as executive agreements," and has declined to comply with the March 3 Senate request.

Assistant Secretary of State David M. Abshire, in a letter to Case, said the agreements for U.S. bases at the two locations "involve no new policy on the part of the United States nor any new defense commitment." He said that to submit the base agreements as treaties might "carry a strong implication of new commitments that were not, in fact, intended by the parties."

An executive agreement, unlike a treaty, need not be ratified by the Senate.

However, the two agreements still require enabling legislation to carry out the U.S. part of the agreement, and that is where Case intends to strike.

The agreement with Portugal extends U.S. base rights in the Azores for 25 months, Case said, in return for about $435 million in U.S. assistance and credits. Case said he will seek to block all attempts to hand over the $435 million—barring loans of vessels to Portugal, any type of sale of agricultural commodities, all transfers of educational funds and excess defense articles, and all export-import bank financing of any type for Portugal under the executive agreements.

Payments to Bahrain for establishment of a U.S. naval base in that Persian Gulf island also would be cut off.

Case said, "There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process." He said the stationing of any troops abroad could lead to a commitment to the host country "and ultimately to war," and the Senate should have the right to pass on this risk.

Case said the dispute involved "a fundamental constitutional question"—whether the Senate has the right to review foreign policy actions which could lead to major U.S. commitments and involvements abroad. "The Senate cannot compel the Executive Branch to submit the agreements," said Case in a statement, "but at the same time the Senate does not have to appropriate any money to pay for the agreements' costs."

In his letter to Case, Abshire said the agreement on the Azores' base continuation "is in implementation of one already existing commitment" under the North Atlantic Treaty, which was approved by an overwhelming majority of the Senate."

He added, "We will continue to make every effort to keep the appropriate congressional committees informed of important agreements under negotiation and to consult with those committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty or otherwise."

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[From the Washington Post, April 7, 1972]

THOSE PACTS WITH PORTUGAL AND BAHRAIN

Last winter the United States made a formal agreement with Portugal to use Lajes field in the Azores, and it took over a British Persian Gulf facility in Bahrain to use as a base of its own. Contending that these executive agreements circumvented the Senate, Senator Case urged the administration to submit them both as treaties. It refused. The Senate then endorsed his plea, 50 to 6. Again the administration refused. So now he is asking the Senate to block funds or aid in any form from flowing to Portugal or Bahrain.

Mr. Case believes the fundamental question of the Senate's right to pass on pacts with foreign governments is involved, and we believe he is right. To argue that the United States has been using the Azores base for three decades—the last one without an agreement—begs the constitutional question posed by the formal renewal and ignores the key political question of Portugal's increasing involvement in wars in its three African colonies. As for Bahrain, the flimsiness of the State Department's argument—that there's no difference betweeen using a British base and taking over that base—illustrates nothing so much as why the Department's estate has fallen as low as it has.

In the Portuguese case the political issue is particularly sharp. The package which included the base agreement also contained some $35 million worth of assorted kinds of economic aid, plus possible access to as much

as $400 million in Export-Import Bank credits to finance civilian development exports to European Portugal. Many Americans, and not only blacks, wince at *any* American involvement with the anachronistic colonial regime in Lisbon, even for an ostensible purpose—NATO defense—which has no immediate connection with Africa. The administration, however, added injury to insult by lumping aid and credits into the base-renewal deal. The inevitable if not the intended result was to convey an impression of American endorsement of overall Portuguese policy—an impression, we might add, which Lisbon has avidly spread.

The Nixon administration's tendency to put more weight on United States economic interests and less on political questions, in its dealings with white minority governments in Africa, has been apparent for some time. Senator Case's bill assures the Congress an opportunity to make its own judgment on this matter.

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[From the Philadelphia Inquirer, Apr. 10, 1972]

TREATIES BY ANOTHER NAME

Sen. Clifford Case concedes his amendment to cut off aid to Portugal and Bahrain is somewhat more "drastic" than he would like it to be. It is also justified, however, if the Senate is to reassert its constitutional role in foreign affairs.

The New Jersey Republican's aim is to compel the Nixon Administration to submit two recently concluded executive agreements—one extending U.S. base rights in the Azores, the other continuing an American naval presence in the Persian Gulf—to the Senate as treaties.

Such was the sense of the Senate when, last March, by a vote of 50-6, it approved a resolution along those lines. But the resolution was not binding, and the administration refused to be bound by it.

The administration's position, which has ample precedent to support it, is that executive agreements are not treaties, which under the Constitution cannot go into effect with out the approval of two-thirds of senators present on the floor.

But a treaty by another name is still a treaty—a pact entered into by the President in the name of the United States, and it may commit the nation even to war.

So the issue is not merely a matter of nomenclature or precedent—not merely, even the merits of the arrangements with Portugal and Bahrain.

The State Department explains that the agreements involve neither new policy nor new commitments. That may or may not be so, but how can the Senate find out if the agreements are not submitted to it, and why—even if the policy and commitments are old—should it not have an opportunity to make its own judgment anew?

Increasingly, over the past 40 years, Presidents have resorted to executive agreements to bypass the Senate. Sen. Case has also introduced a bill to require all executive agreements to be sent to Congress within 60 days. The issue there is the same as in the war powers bill which is also before the Senate.

It is, in Sen. Case's words, "a fundamental constitutional question" of whether the Congress is to exercise the co-equal status which the framers of the Constitution granted it. And one way to do so is by Congress' exercising its own constitutional power of the purse.

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[From the Long Island Newsday, April 6, 1972]

WAR AND PEACE POWERS

Modern Presidents tend to do what they want to do with the nation's blood and treasure, with only the slightest nod in the direction of Congress, and without waiting for much of a nod in return. No one could foresee that the inadequately explained and virtually unchallenged Tonkin Gulf Resolution of 1964 would plunge us into an Asian war with both feet, and with no map showing us the way out. Many pieces of trivial legislation have received far more scrutiny. That bill gave the White House a pretext for continuing to usurp the war-making powers that properly belong to the people's elected representatives on Capitol Hill where the framers of the Constitution put them.

Congress must take much of the blame for letting that happen. It has the chance now to reclaim some of the authority assigned to it by the Constitution. Through legislation written principally by Sen. Jacob Javits (R–N.Y.), the President would be authorized to employ the armed forces only in certain specified emergencies, and for no longer than 30 days without congressional approval. These emergencies include an attack upon the United States, or its forces, or the threat of such attacks, or to protect American citizens being evacuated from foreign countries.

The Nixon administration argues that the bill infringes on the President's powers as commander-in-chief. Sen. Javits and other supporters say the bill leaves the President plenty of latitude to act, but it will prompt him to exercise more appropriate caution, prudence and precision than the White House, under three Presidents, has displayed in its past management of the Indochina wars.

The Javits bill would reinforce the basic law of the land, which requires the collective judgment of the President and Congress to go to war. It can't create national wisdom where there is none, but it can require collaboration by two branches of government on the life and death questions of war and peace.

Less crucial but also important to the national interest is collaboration in foreign affairs, where the White House has been bypassing the treaty-making powers of the Senate. Although the Senate already has approved overwhelmingly a resolution by Sen. Clifford Case (D–N.J.) that agreements negotiated by the White House with Portugal and Bahrain be submitted for consideration as treaties, the resolution was not binding and President Nixon chose to ignore it. Now, Case is going to the mat with the administration on this issue. He's asking that all assistance to those countries be withheld until the Senate receives the agreements in treaty form.

Case's tactic is welcome on several counts. The five-year agreement with Portugal for use of air and naval bases in the Azores is questionable militarily and counter-productive politically. It is a slap in the face of black Africa, where it will be regarded as a $436,000,000 subsidy to Portugal to maintain a repressive colonial policy.

The confrontation provoked by Sen. Case will determine whether congressional power over the purse strings can effectively bring back to Capitol Hill some of the constitutional authority it unfortunately has let slip away.

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By Mr. MAGNUSON (by request):

S. 3638. A bill to amend the Merchant Marine Act of 1970. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend the Merchant Marine Act of 1970, and I ask unanimous consent that a communication from the Department of Commerce together with a statement of purpose of the bill be printed in the RECORD at this point.

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

THE SECRETARY OF COMMERCE,
*Washington, D.C., May 12, 1972.*

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

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill—"To amend the Merchant Marine Act of 1970"—and an accompanying statement of its purposes and provisions, which the Commission on American Shipbuilding has asked us to submit to the Congress on their behalf.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

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STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL "TO AMEND THE MERCHANT MARINE ACT OF 1970"

Section 41 of the Merchant Marine Act of 1970 (P.L. 91–469) established the Commission on American Shipbuilding. The functions of the Commission are to review the status of the American shipbuilding industry, its problems and its progress toward increasing its productivity and reducing production costs; to determine whether the industry can achieve such a level of productivity by the fiscal year 1976 that the construction-differential subsidy payable under title V of the Merchant Marine Act, 1936, will not exceed 35 percent of the construction cost of vessels; to recommend a course of action the Government and industry should take to improve the competitive situation of the industry in world shipbuilding markets; and if the Commission determines that construction-differential subsidy cannot be reduced to 35 percent, to recommend alternatives to the ship construction program.

The Commission is composed of 7 members, 6 of whom are not full time employees of the United States, Section 41(2) of the 1970 Act provides that members of the Commission who are not full time employees of the United States are each entitled to receive the per diem equivalent of the rate authorized for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission, including traveltime.

These 6 members of the Commission have waived their right to this compensation. However, under rulings of the Comptroller General (26 Comp. Gen. 956; 27 Comp. Gen. 194; 32 Comp. Gen. 236) the compensation for a position that has been fixed by Congress cannot be effectively waived in the absence of statutory authority to do so. Consequently the amounts obligated by the Commission for payment of this compensation must remain on the books of account for possible future claims by the members or their estates.

The draft bill would amend section 41(2) of the 1970 Act to provide statutory authority for such members to waive their rights to this compensation. These amounts would then become available for obligation for other purposes of the Commission.

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

S. 3639. A bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions. Referred to the Committee on Agriculture and Forestry.

Mr. CRANSTON. Mr. President, I am pleased and proud to join today with the distinguished Senator from South

Dakota (Mr. McGOVERN) in introducing legislation that will aid in the fight against hunger and malnutrition among the Nation's elderly. The bill which we introduce today will amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by senior citizens centers and apartment buildings, as well as schools and restaurants which prepare meals especially for the elderly. This bill will also authorize the use of section 32 commodities in meal service programs for our elderly citizens.

Mr. President, I cannot overemphasize the far-reaching import of this measure to the Nation's 4.7 million elderly persons now living in poverty, nor to the approximately 470,000 elderly poor residing in my own State of California. It is an important step toward fulfilling this country's obligation to provide the opportunity for adequate nutrition to every aged resident. Just as importantly, it provides the elderly with the opportunity to combine a well-balanced diet with the companionship and society which—all too often—they would otherwise be denied. Until now, the elderly poor who participate in the food stamp program have been restricted to taking their meals in what is often the unwanted loneliness of their own residences. This bill will open up a new vista of companionship to them: the opportunity to obtain low-cost food in the more companionable atmosphere of senior citizens centers or restaurants. By providing this chance for new social contacts, we are adding a vital element of human warmth and dignity to the later years of those who have given so much to this Nation.

Finally, Mr. President, the legislation which we introduce today is an important step toward rounding out the intent of Congress as expressed in passage of S. 1163, now Public Law 92–258, which authorized Federal funding assistance to provide low cost and nutritionally sound meals to elderly persons.

I was pleased to be one of the original cosponsors of S. 1163 when it was introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished chairman of the Subcommittee on Aging of the Labor and Public Welfare Committee (Mr. EAGLETON). As ranking majority member of that subcommittee, I was privileged to contribute to the further development and refinement of that bill in committee, and am gratified that my colleagues agreed to amendments which I offered in committee. One of my amendments provided for a more equitable State allocation formula than was provided in the bill as originally introduced. Another amendment which I introduced in committee and which was included in the bill as reported, authorized the State agency administering the nutrition program, where feasible and appropriate, to provide for the preparation of meals meeting the "health requirements" of eligible individuals, such as heart patients or diabetics on salt-free, low-cholesterol, or carbohydrate diets, as well as meals meeting the religious needs of these older persons.

Illness strikes the elderly far more frequently than it does younger age groups. Approximately 80 percent of the elderly—as compared with 40 percent of the nonelderly—suffer from one or more chronic diseases or conditions, many of which require special diets. I was pleased that my colleagues agreed to providing this mechanism in the nutrition bill for addressing this critical problem.

Mr. President, in 1969 the Panel on Aging of the White House Conference on Food, Nutrition, and Health, spelled out the Federal responsibility to assure adequate nutrition to every older person in America, a responsibility that this Nation has the resources to meet. The Panel recommended that:

> The Administration on Aging . . . and the Department of Agriculture undertake permanent funding programs of daily meal service, initially consisting of at least one meal for all the aged needing this service and desiring it, in both urban and rural locations emphasizing the importance of the values of eating in group settings where possible.

I am convinced that the measure we introduce today supplements Public Law 92–258, so wisely passed by Congress earlier in this session. By making the food stamp program more amenable to the elderly citizen and by making it possible for the elderly poor to enjoy the fruits of the nutrition-for-the-elderly program, we are taking a long step toward implementing the recommendations of the Panel on Aging.

Mr. President, I ask unanimous consent that the text of the bill together with a statement prepared by Senator McGOVERN 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. 3639

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10(h) of the Food Stamp Act of 1964 is amended by inserting "(1)" immediately after "(h)" at the beginning of such section, by redesignating clauses (1), (2), and (3) of such section as clauses (A), (B), and (C), respectively, and by adding at the end thereof a new paragraph as follows:

"(2) Subject to such terms and conditions as may be prescribed by the Secretary, in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or elderly persons and their spouses may also use coupons issued to them to purchase meals prepared by senior citizens' centers, apartment buildings occupied primarily by elderly persons, any public or nonprofit private school which prepares meals especially for elderly persons, any public or private eating establishment which prepares meals especially for elderly persons during special hours, and any other establishment approved for such purpose by the Secretary other than an organization referred to in paragraph (1) of this subsection.

"(3) Notwithstanding any other provision of law, the Secretary is authorized to make agricultural commodities acquired under section 32 of the Act approved August 24, 1935 (7 U.S.C. 612c), available to any public or nonprofit private school for use at such school in the preparation of meals for elderly persons described in paragraph (2) of this subsection if such meals are prepared and served especially for elderly persons and are served at times when the food preparation facilities of such schools are not needed in connection with the operation of a child feeding program under the National School Lunch Act or the Child Nutrition Act of 1966."

STATEMENT BY SENATOR McGOVERN

Mr. President, I have for the past several years served with great pride as the Chairman of the Senate Select Committee on Nutrition and Human Needs. I am convinced that we have made great progress in reaching our goal of eliminating the hunger and malnutrition that has plagued our every effort in our pursuit of the ultimate victory, an end to poverty. Several years ago, over 25 million persons did not have income sufficient to guarantee even the minimally adequate nutrition so necessary to their health. We have come a long way in bringing well over half of these persons into the Food Stamp or the Commodity Distribution Program. Today, four times as many poor Americans—over 12 million—now participate in the Food Stamp Program. Additionally, three and a half million are participating in the Commodity Program.

We have also, after many long and bitter struggles, seen the number of children receiving free or reduced-price lunches more than double. Today, of the 10 to 12 million poor children who need a free lunch, nearly 8 million are receiving one.

Of course, this should never be considered good enough—we should never lose a single ounce of determination so long as one American goes hungry against his will. We should never be content with our progress while children, as many as 4 million, continue to suffer daily the pangs of hunger, continue to be denied the opportunity to grow and learn to their potential, and continue to walk the road of life accompanied by the fear of resentment, indignity, pain and despair. Food is essential to their growth.

And growth never stops, Mr. President. Nor does the right to be free of the pain of hunger stop. We have heard a great deal lately—but, not enough, I'm afraid—about the callous treatment by our government of our fellow citizens whom we call the Elderly. At least one of four older Americans, in contrast to one in nine for younger individuals, is in poverty, Mr. President. And even more disturbing is the fact that since 1968, the number of poor persons among the elderly has increased, in direct contrast to the remainder of the population. To be in poverty, of course, is to be without income sufficient to purchase an adequate diet. To the elderly, hunger means ill health; inadequate nutrition means a more rapid degenerative process in the same sense as the absence of food in a child means a retardation of those growth processes. Sickness, unhappiness and early death are the results of hunger and malnutrition which we reward our senior citizens for their years of hard work.

It is nothing short of irony that the President of the United States today leads us in a war to "save face" in the eyes of the world. How can we dare to pursue the admiration and respect of other Nations when the faces of so many millions of older Americans display their rejection by their government, their fear of tomorrow and their unhappiness today?

Joining me in these remarks and the introduction of the Bill that follows is my very able colleague from California, Mr. Cranston. I am particularly hopeful that this effort will be successful, knowing as I do of the great energy and devotion Senator Cranston has demonstrated in the past when it comes to alleviating the undue burdens placed on our elderly fellow citizens. I know that he was a principal party to the enactment of the Older Americans Act last year. Senator Cranston, has a constituency of at least two million elderly persons, while in my own state of South Dakota, there are at least 70,000 senior citizens. As many as 500,000 of this group may be poor or near-poor so that they are serious

nutritional risks. It is these Americans to whom we address our effort today.

Mr. President, there are a great many steps that we can and must take to drastically change this situation. We must move hard and fast to eliminate the indignity that we have emblazoned on the process of growing older.

Today, Senator Cranston and I would like to present to the Congress a Bill to amend the Food Stamp Act, in such a way as to make the Food Stamp Program more available and more desirable for millions of older Americans. This Bill will allow the elderly to use Food Stamps to purchase meals prepared by senior citizens centers, apartment buildings, schools and restaurants that provide special meal services for the elderly. It will allow Section 32 commodities, provided for use by schools in their child nutrition programs, to also be used in meal service programs for the elderly, where schools provide such services. It is our hope that this will encourage local school boards to undertake programs of this sort.

Mr. President, much of our effort in programs for the elderly seems to be directed at allowing these citizens the environment of companionship and society which their situations frequently preclude. And yet, to date we have forced older Americans in the Food Stamp Program to use their food in the all-too often undesired solitude of their homes. I am convinced that the Bill will make the program both more attractive and more useful for the elderly. I am also convinced that the issue here goes beyond the provision of food. It is one small step to restore the dignity which so many of our federal programs have robbed the elderly of, and which I strongly feel we must begin immediately to restore.

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By Mr. PEARSON:

S. 3641. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

THE UNITED STATES NEEDS A NATIONAL ENERGY POLICY

Mr. PEARSON. Mr. President, in 1965, electric power failed in the northeastern United States. Entire cities were darkened. Homes went without lights and vital services were disrupted. In the years succeeding this great blackout, our Nation has experienced a succession of brownouts, blackouts, and requests for reductions in power usage. These events are symptoms of a growing problem in our complex, interrelated, high technology society which runs on vast quantities of powers. When that supply is abruptly curtailed, we have a crisis of the first magnitude.

While these temporary reductions and disruptions of power are more the result of inadequate planning and projections of energy needs than evidence of the onset of an energy crisis, a fundamental fact of life in our society today is that our energy requirements may soon outstrip our dwindling energy resources.

The American people, one-sixteenth of the world's population, now consume one-third of its available energy. And there are no social, economic, or technological developments on the horizon which will alter significantly the increasing utilization of our fixed supplies of gas, coal, oil, and other energy resources. While, as a nation, we may be too quick to label every problem a crisis, it is certain that we face a serious situation which calls for prompt, positive initiatives on the part of the Congress and the executive branch.

Although reasonable men may disagree on the timing and magnitude of future shortages of our power-producing fuels, it is apparent that if we do not undertake to establish a comprehensive, rational energy policy for the United States, we will compound our energy problems and muddle into an acute energy crisis. The objective of the legislation I introduce today is to provide the President and the Congress with a national energy advisory board capable of making recommendations toward a national energy policy.

Let us examine the basic elements of this national energy problem in our high technology, high consumption society. According to one survey—

Domestic energy demand forecasts show a 3.5 percent compounded annual growth rate between 1970 and the year 2000. This represents a three-fold increase in energy consumption—

While our demand for energy will continue to increase, our supply of energy-producing resources is fixed. We are utilizing fossil fuels faster than we can discover new sources. We know that at some point in time, we will run out of the fuels we now utilize to meet our energy needs. The crucial question which now remains unanswered is, when this will occur.

We do know that some fuel resources will be exhausted before others. We know that for economic and ecological reasons some are more desirable than others. And finally, we know that some will be available in the United States for the foreseeable future while others will not.

The final basic factor to bear in mind is that both our utilization of power and our production of it constitute a complex interrelated system. One element of the system affects all others—we have, in effect, a power production and consumption matrix. In other words, if one energy resource becomes scarce or more expensive, demand for other resources will increase and their depletion will be hastened. Therefore, we must consider the effects on all energy resources as we establish policies for the utilization of the one.

I believe that an examination of our supply of energy resources will indicate why we need to establish a national energy policy. Let us see what is available and what is likely to be available in the future and measure that against our ever increasing demand for energy. It must be noted at the outset that projects both on the supply and demand sides are not precise. The uncertainties of future mineral discoveries and technological innovations added to the complexities of the energy matrix itself leave room for wide variations in projections of future need and energy supply.

Coal is the main fuel supply for electric power and it continues to be our most abundant domestic fossil fuel with an estimated 390 billion tons available to us under current technical and economic conditions. But surveys indicate that the supply of coal will be exhausted in three to four centuries at current rates of consumption. Of course, consumption may well increase leading to a more rapid depletion of this vital fuel.

We must also recognize two other problems with our heavy utilization of coal as an energy producing fuel. First, as we exhaust the coal seams which are relatively easy to reach and begin to mine more inaccessable deposits, the costs of this fuel may increase. This will have adverse economic impact on our economy for both manufacturers with a large electric power component in their processes and for individual consumers of electricity.

Secondly, with our increasing recognition of the dangers of air and water pollution, coal may become a less desirable energy resource from an ecological point of view. It is relatively unclean in terms of sulphur emissions. In addition, mining techniques available to us now yield a great deal of water pollution not to mention the ugly scars and ecological damage of strip mining.

We find, then, that coal, our most abundant fossil fuel, creates some problems. Perhaps additional research and technological innovation will overcome some of the present problems involved in our heavy reliance on coal, but one point is certain. At some time in the not too distant future, our reserves of coal will be exhausted, and before that time comes, our less abundant fuels may well have been used up.

Natural gas is a fuel in high demand and in increasingly short supply. Demand for natural gas tripled in the past 20 years largely because it is a clean and efficient fuel. It supplies approximately one-third of the U.S. energy requirements. But one FPC official estimated that the natural gas supply in the United States will be exhausted by the turn of the century.

Already, gas shortages have begun to occur in my own State of Kansas where some new industries can no longer be assured of a supply of gas in the southeastern part of the State while a number of farmers in the Southwest cannot get gas to run their vital irrigation pumps. The tragic irony of this situation is that some of our largest gas deposits are located near Kansas.

There may be technical developments or new gas sources such as the Alaskan North Slope deposits which will yield adequate supplies of gas. Gassification of coal, for example, a process in which coal is converted into gas, offers one means of supplementing our supply of natural gas, but it also represents a dilemma. If we turn coal into gas, we, of course, deplete our coal supplies at a more rapid rate. But at this time their availability is uncertain. It may well not match the rising demand for this most desirable energy producing fuel.

Petroleum is now the world's key energy resource. Our consumption is increasing at a faster rate than can be supplied by domestic production. Consumption is expected to grow at 4 percent per year. In 1900 the United States obtained 89 percent of its energy from coal and 8 percent from oil. But now, about 43 percent of our energy is derived from oil and 20 percent from coal.

Estimating the availability of oil presents extremely complex problems. Some

have estimated that American oil fields, including the new Alaskan find, now have about a 30–35 year supply remaining at current consumption levels. In addition, we are exploring new fields, especially offshore, and developing our ability to extract oil from oil shale. But these sources are not ready to come on stream.

Recently, we have increased the oil import quotas and the Interior Department approved the construction of an Alaskan pipeline. While oil exploration is underway around the world from the frozen north to the ocean bottoms, we simply do not know how much is available, where it is located, and what problems its extraction and use may involve.

In addition to uncertainty about available supplies, we are hard pressed to predict demand. Consumption patterns may shift or technologies may change. For example, automobiles are by far the largest consumers of petroleum products. It is possible that we may decrease our dependence on individual passenger cars to move people and rely on forms of transportation which require less oil. Or, auto makers may develop new power plans which use fuel more efficiently. A combination of both is possible, even likely.

In any case, our demand for oil will be determined by factors of consumption and technology which we cannot predict at present.

The most recently developed energy resource available to us now is the power of the atom. But that too is not available in unlimited quantities. There is a limited supply of uranium-235, the fuel used by most nuclear reactors. Some have estimated that if our present-day nuclear reactors were used to produce future requirements of electricity, we would use up all uranium-235 available to us in 20 to 30 years.

To be sure, the efficiency of nuclear reactors is improving and breeder reactors promise to provide a means of stretching out our limited supply of uranium. But the future of new reactor technology is uncertain. There are serious ecological and safety problems involved with the use of nuclear energy. And as an energy resource, it will primarily be restricted to producing electricity for some time to come.

The remaining energy resource is an old standby, hydroelectric power. In 1970, hydroelectric plants provided about 16 percent of the electricity we used. By the year 2000, with the increased use of nuclear power sources, hydroelectric power will account for only 5 percent with five-sixths of that west of the Mississippi.

Used for centuries, water power is an important element in our energy matrix. We may be able to augment our hydroelectric power supply by utilizing the power of the ocean tides, but there are few adequate sites in the United States for tidal power stations given our present state of technology.

For the present, we have exhausted the list of energy resources available to us. Others such as geothermal energy, solar power, controlled thermonuclear fusion, fuel cells, and magnetohydrodynamics, are on the drawing boards and in early stages of development. But their technological and environmental futures are still uncertain. It is most difficult to calculate costs, hazards, and development leadtimes with any accuracy at this time.

Other energy sources may be created from the minds of creative scientists, we do not know at this time, but it is apparent that unless we develop new sources of energy or change our energy consumption patterns, we shall, at some time in the future, exhaust our finite energy resources. It is also clear that we need to plan carefully to conserve our remaining fuels and plan for their replacement with a new generation of energy resources.

Let us see what may happen in the United States as we begin to exhaust first one, then another of our vital energy resources. We must keep in mind that each fuel resource will become depleted at different times; that fuels are available from foreign sources which may or may not be reliable; and that each fuel has its own limits regarding its utility and desirability.

First, economically, as fuels become more scarce, their cost will rise. This is a function of the iron law of supply and demand which governs our economy. The larger the energy cost component of a product, the more the price of a good will increase. The basic energy requirements of American heavy industry are quite high. We could, therefore, expect rising energy costs to become a factor in inflation of some of the most basic sectors of our economy. Depending on the availability of energy to foreign producers and the energy cost component of their goods given their state of technology, this rising cost could result in a competitive disadvantage of our industries vis-a-vis foreign industries.

Continuing on the economic side, increasing reliance on household gadgets which utilize electricity could become quite expensive for American consumers. Perhaps this will prompt appliance manufacturers to develop products which will utilize less electricity, but there will probably be a lag between the time electric costs rise and new gadgets are available.

These are only two examples of the many elements in the economic dislocations of cost increases due to energy resource scarcity. We have already experienced some of the most damaging symptoms of an energy crisis; blackouts and brownouts for entire metropolitan areas of our Nation and denials of energy supplies to new industries and homes.

When a society dependent on energy suddenly loses it, chaos ensues. While the blackouts and brownouts of previous summers were due more to poor planning on the part of utilities than to scarcity of fuels, they may be a portent of things to come if we do not recognize the problem and plan for its solution. Failing rational planning, we shall experience these major disruptions more frequently in the future.

We need also to examine the political side of this issue. The United States imports large quantities of energy fuels from abroad. It gets oil from Latin America, Africa, and the Middle East. But it is readily apparent that this Nation cannot afford to become dependent on a foreign source for a basic element of its economy. And that is precisely what may happen in the case of fuels if our domestic supplies become exhausted.

It is not necessary to belabor this point. It is obvious at the same time it is vital. Nations have gone to war over energy resources and have lost wars because not enough fuel was available. We cannot allow our Nation to become dependent on foreign fuel.

With the completion of this brief survey of the components of what some have labeled an energy crisis, we must see where we are to understand what we must do.

We return to two basic facts. The energy resources which now supply the power to run our Nation are finite; their supply is limited. New technologies and developments may change this fact, but we cannot depend on it entirely. Our consumption of energy will continue to increase for the foreseeable future and, furthermore, looking to the poor nations just beginning to develop high energy consuming economies, world energy use will probably rise sharply.

Secondly, our pattern of energy utilization is a complex matrix with each component on the demand and supply sides affecting every other component. As we run short of one fuel or develop a new source, the availability and cost of all other sources are affected.

Given these two basic facts, it is readily apparent that if this Nation is to prevent an energy problem from becoming an energy crisis, we need to establish a national energy resources policy. Our current system of allocating scarce fuel resources is not adequate to prevent future dislocations of great magnitude.

At present, 61 Federal agencies, commissions, and committees of Congress oversee our energy resources in one way or the other.

But this question is too important to be left to the chaos of regulation by bodies created to supervise the energy problems of the past.

Mr. President, we must act now. The energy crisis can be foreseen and forestalled if we act rationally and plan our energy utilization with both availability of supplies and composition of demand. Failure to act rationally and plan now will lead to unavoidable problems in the not too distant future.

With these factors in mind, I introduce today a bill entitled the National Energy Resources Advisory Board Act. The Board created by this act would advise the President and the Congress on the best uses of our scarce energy resources. I am convinced that only careful, comprehensive planning on the national level can prevent a full-scale energy crisis in the future.

The National Energy Resources Advisory Board shall make a full, complete and continuing investigation of the current and prospective fuel and energy resources and requirements of the United States and present the probable future alternative procedures and methods for meeting anticipated requirements con-

sistent with achieving national goals. It shall submit each year a report to the President and the Congress recommending specific legislative action with regard to coordination of effective and reasonable policies to assure reliable and efficient sources of fuel and energy adequate for balanced economy, a clean environment, and the national security. It shall also report on the extent of investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel, including the adequacy of such investments to provide a clean environment.

This National Energy Resources Advisory Board, as proposed in this bill, would have broad authority and powers to conduct its hearings and investigations. It would be composed of nine members appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board.

This Board, with its broad mandate to study and evaluate our national energy requirements, is, I must emphasize, an advisory board. It cannot, and should not, be an all powerful agency charged with formulating a national energy policy. That power must be exercised by the President and the Congress.

It can, however, be an agency which gathers and evaluates all of the information needed to make recommendations to the President and the Congress about the best ways to utilize our scarce energy resources. At present, we have no such national body. At present, we are heading inexorably towards a national energy crisis with no comprehensive means for determining how it can be prevented.

We are faced with a complex problem which will plague our Nation for generations. If we fail to act now, if we fail to marshal our capacity to plan for efficient energy utilization and to inquire into new ways to produce and utilize energy, we shall fail ourselves and our children and their children. We shall be responsible for creating an energy crisis from an energy problem.

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By Mr. ERVIN (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. HART):

S. 3642. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of gasoline dealers franchise agreements. Referred to the Committee on the Judiciary.

GASOLINE DEALERS DAY-IN-COURT ACT

Mr. ERVIN. Mr. President, every year approximately 35 percent of the Nation's 225,000 independent gasoline dealers are either terminated, not renewed, coerced, or otherwise forced into leaving their businesses. Indeed, in some areas, such as Detroit where price wars have been raging for over a year, the turnover is 50 percent. In other words, approximately 70,000 independent gasoline dealers running service stations today will not be running service stations next year.

This massive turnover points up the impossible conditions under which dealers operate. They are, in fact, prisoners of their petroleum company suppliers. The supplier generally is able to determine the dealer's margin—both the price at which he buys and the price at which he sells. He also may determine the TBA—tires, batteries, and accessories—which the dealer must stock; the trading stamps and other giveaways which the dealer must buy at a significant cost to himself; the hours the dealer must operate—many new leases require 24-hour operation; whether or not the dealer may maintain a related business on the premises, such as leasing or renting cars or trailers.

A good example of what I am talking about occurred recently in Virginia when a dealer became a convert to the Seventh-day Adventists religion. In his own words, having decided to become a "Christian," he was determined to practice his religion. Therefore, he decided to keep his gasoline station closed on Saturday, although he operated it very profitably on Sundays. His religious convictions resulted in his prompt termination by his major oil company supplier. This story happens to have a happy ending because when the story broke in the newspapers, the company had a change of heart and flew him out a new lease. Most terminations and nonrenewals, however, are not publicized, and they do not have happy endings.

Indeed, in 1967, the Federal Trade Commission issued a report entitled "Anticompetitive Practices in the Marketing of Gasoline." The report said:

> As a result of marketing practices on the part of suppliers, the retail dealer's position is largely that of an economic serf rather than that of an independent businessman. He has been discriminated against in price. His competitive initiative has been disciplined through such discriminations. He has been coerced into making decisions concerning price and product that are other than his own.

More recently, a massive 774-page report was issued by the "Gasoline Marketing Inquiry Committee" for the Province of Alberta, Canada. The same companies sell gasoline in Canada as in the United States and engage in precisely the same practices.

That report came up with a strikingly similar conclusion to that of the Federal Trade Commission. It said:

> The conditions of economic slavery . . . and the resulting human hardship should not be tolerated in a society that calls itself free.

The Senate Antitrust and Monopoly Subcommittee, of which I am a member, has also held extensive hearings in this area. A fair conclusion is that the dealer is only a cog in a very complex producing, refining and marketing process. It is essential that he be controlled so that genuine competition does not creep into the system. The system starts when the integrated major petroleum company pumps its crude from the ground. This is where the greatest profit is made because of the system of tax and other subsidies given to these companies by law. The integrated company then moves its crude to its own refinery. The economics of refining requires operating the refineries as close to capacity as possible. This means, in turn, that the gasoline from the refinery must be marketed—the third phase of the system—even if there is little profit at the marketing end. The crude coming out of the ground must be pumped into the gasoline tank at the other end in a steady stream.

As long as that crude is being pumped and the refinery is running at full capacity, it makes little difference to the supplier if the dealer putting the gasoline into the tank makes or loses money in his operation. If a dealer goes out of business, another will be found to take his place. He is expendable, and it is essential to the total system that he be controlled.

The supplier controls the price of gasoline through the tankwagon or wholesale price at which he sells to the dealer. This is an inflated price. Wholesalers, independents, and others who buy directly at the refinery, can purchase the same gasoline for far less, but the branded dealer must always pay the tankwagon price. Because the dealer is entirely dependent on his own supplier, both for his gasoline and for his location, he has no choice but to go along with the conditions which his supplier imposes upon him. The franchise agreement with the supplier is usually an integral part of his lease with the same supplier. Even when the dealer owns property himself, he may be required to lease it to a supplier who then leases it back to the dealer.

The key to the petroleum company supplier's leverage is the lease of that property. In most cases, its term is no more than a year, and in some cases it is less. The lease is the lash which compels the dealer's faithful obedience. In view of the dealer's substantial investment, averaging $12,000 in metropolitan areas, although a full-service station may have an investment in excess of $25,000, the implied threat of nonrenewal drains whatever independence the dealer might otherwise be inclined to assert.

The bill I am introducing today is entitled "A Gasoline Dealers Day-in-Court Act." In a broader sense, however, it is a consumer bill. So long as the present system of treating the dealer as an indentured servant continues, a stable dealer organization is not possible and effective competition cannot operate in the distribution of gasoline. A stable dealer organization means better service for the consumer. Competition means lower prices for the Nation's motorists. As long as the major oil companies can dictate the terms at which gasoline can be sold, the motorist, over any period of time, must pay more. If we can help the dealer to be truly independent so he can compete as he sees fit in the market, then the ultimate beneficiary will be the motorist, who could then expect to pay "competitive" rather than "fixed" prices for his gasoline.

The key, then, to making competition work, is to remove some of the leverage which I have discussed. Indeed, the Canadian report said:

> The second principal which the committee considers should apply—is that in any case where the operator of a service station or retail gasoline outlet leases its premises from an oil company or other supplier, or

pays an occupancy charge, the operator shall have security or tenure so long as his rent is paid and his premises are maintained in reasonable repair without interference or control of any kind by an oil company or supplier in the operation of a retail business—

The report said further:

The lack of security of tenure is a problem uppermost in the minds of hundreds of lessees. The threat of lease termination is the weapon most frequently used to influence the lessee to accept the "suggestions" of the oil company.

The gasoline dealers day-in-court bill offers a dealer no subsidies; it offers him no governmental handouts; it provides no regulatory agency to protect his interest. Rather, it gives him only an opportunity to help himself—a day in court. If he is canceled or if his lessor fails to renew his franchise, then he is entitled to present his case in a court of law. Access to the courts—which does not exist in any meaningful way today—is all that this proposed legislation is about. Certainly, it is a modest and fair proposal in view of the stakes involved. Indeed, the bill I am proposing today provides a complete defense for a supplier if the dealer fails to comply substantially with essential and reasonable requirements of the franchise; or if the dealer fails to act in good faith in carrying out the terms in the agreement, and for other legitimate business reasons.

This Congress allocates billions of dollars a year through subsidies and other means to assist the more powerful in our Nation. Under the circumstances, it seems only simple justice that the less powerful be entitled, at least, to a day in court.

Mr. President, I ask unanimous consent that the text of this bill 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. 3642

*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 "Gasoline Dealers Day-in-Court Act."

AS USED IN THIS ACT

SEC. 2. (a) The term "petroleum distributor" means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or otherwise controls.

(b) The term "gasoline dealer" means any person engaged in the retail sale of petroleum products in the United States under a franchise agreement entered into a petroleum distributor.

(c) The term "franchise" means an agreement between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the distributor, or an agreement between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the distributor, for the purpose of engaging in the retail sale of petroleum products of the distributor.

(d) The term "retail" means the sale of a product for purposes other than resale.

(e) The term "antitrust laws" means the Federal Trade Commission Act and each status referred to in Section 4 of such Act (15 U.S.C. 44) as "antitrust acts".

(f) The term "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

(g) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(h) The term "commerce", as used herein, means trade or commerce among the several States, foreign nations and any State or territory of the United States or the District of Columbia, or between the District of Columbia or any territory of the United States and any State or territory, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or territory of the United States or the District of Columbia or any territory or any insular possession or other place under the jurisdiction of the United States.

CAUSE OF ACTION

SEC. 3. (a) Except as provided in Section 4, a petroleum distributor whose actions affect commerce shall be liable to a gasoline dealer who sells the products of such distributor under a franchise from such distributor for damages and such equitable relief as the Court deems proper resulting from the termination or cancellation of, or failure to renew, such franchise.

(b) A gasoline dealer suffering damages as a result of the termination or cancellation of, or failure to renew, his franchise may bring an action under this section against the petroleum distributor who terminated, canceled, or failed to renew his franchise in the district court of the United States for the district in which such distributor resides, is found, or has an agent. Such action may be brought without regard to the amount in controversy. If the gasoline dealer prevails in such action, he may recover the damages he sustained, the costs of the suit (including reasonable attorney's fees), and such equitable relief as the court deems proper.

The court may also grant such temporary relief as it may deem necessary and proper.

(c)(1) It shall be a defense to any action brought under this section that the franchise was terminated, canceled, or not renewed because—

(A) the gasoline dealer failed to comply substantially with essential and reasonable requirements of the franchise agreement;

(B) the gasoline dealer failed to act in good faith in carrying out the terms of the franchise; or

(C) of other legitimate business reasons (except that a termination, cancellation, or failure to renew a franchise for the purpose of enabling the petroleum distributor to assume operation of the gasoline dealer's business shall not be considered to be a legitimate business reason unless the gasoline dealer is paid reasonable compensation for the value of his franchise, including goodwill).

(2) No petroleum distributor may raise any defense set forth in paragraph (1) to an action brought under this section unless he gave written notice to the gasoline dealer who brings such action of his intent to terminate, to cancel, or not to renew such gasoline dealer's franchise 90 days prior to the date on which he terminated, canceled, or failed to renew such franchise.

(d) No action may be brought under this section for a cause of action which arose more than two years prior to the date on which such action is brought.

ARBITRATION

SEC. 4. No action may be brought under section 3 in connection with the termination, cancellation, or nonrenewal of a franchise if the franchise agreement provides for the binding arbitration of disputes arising under such agreement, including disputes related to the termination, cancellation, or nonrenewal of such franchise, in accordance with the rules of the American Arbitration Association.

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) No provision of this Act repeals, modifies, or supersedes any provision of any of the antitrust laws. This Act is supplementary to such laws but is not a part of such laws.

(b) This Act shall not be held to invalidate any provision of the laws of any State unless there is a direct conflict between a provision of this Act and a provision of such State law, in which case this Act shall prevail.

SEPARABILITY

SEC. 6. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected by such holding.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2050

At the request of Mr. SCHWEIKER, the Senator from New Jersey (Mr. CASE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 2050, a bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

S. 2434

At the request of Mr. MAGNUSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2434, the Children's Catastrophic Health Care Act.

S. 2440

At the request of Mr. CRANSTON, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 2440, a bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes.

S. 3460

At the request of Mr. PEARSON, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 3460, a bill authorizing the Civil Aeronautics Board to enter into contracts, on an experimental basis, with air carriers to provide air service to small communities, and for other purposes.

S. 3630

At the request of Mr. TOWER, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3630, a bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry.

## SENATE RESOLUTION 305—SUBMISSION OF A RESOLUTION PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Referred to the Committee on Labor and Public Welfare.)

Mr. PELL submitted the following resolution:

S. RES. 305

*Resolved,* That (a) sections 2 and 6 of Senate Resolution 235 of the Ninety-second Congress are each amended by striking out "$1,433,000" and inserting in lieu thereof "$1,633,000", and (b) such Senate Resolution is amended by redesignating sections 5 and 6 thereof as sections 6 and 7, respectively, and by inserting after section 4 the following new section:

Sec. 5. Not to exceed $200,000 shall be available to examine, investigate, and make a complete study of any and all matters pertaining to the financing of elementary and secondary education, of which not to exceed $50,000 may be expended for the procurement of individual consultants or organizations thereof.

## TOXIC SUBSTANCES CONTROL ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1205 AND 1206

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

Mr. BAKER submitted two amendments intended to be proposed by him to the bill (S. 1478) to amend the Federal Hazardous Substances Act, as amended, and for other purposes.

## SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1207

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

Mr. CRANSTON. Mr. President, on behalf of the Senator from South Dakota (Mr. MCGOVERN), I submit an amendment to H.R. 1, the Social Security Amendments of 1972.

I ask unanimous consent, Mr. President, that a brief statement prepared by Senator MCGOVERN be printed at this point in the RECORD.

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

STATEMENT BY SENATOR MCGOVERN

Mr. President, I wish to submit in the form of an amendment to the Social Security Act a bill which I previously introduced, S. 2235, to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system.

## ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 895

At the request of Mr. PEARSON, the Senator from Virginia (Mr. SPONG) was added as a cosponsor of amendment No. 895, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

## NOTICE OF HEARING ON NATIONAL CORRECTIONAL STANDARDS ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 3049, the National Corrections Standards Act, beginning at 10 a.m. on June 1, 1972, in room 2228 of the New Senate Office Building.

This legislation is designed to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

This is the first scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

## ADDITIONAL STATEMENTS

### A GENERATION OF PEACE

Mr. SCOTT. Mr. President, I commend to the Senate an excellent article by D. J. R. Bruckner which was published in the Los Angeles Times. Mr. Bruckner has cast aside the usual pessimistic attitude so prevalent with today's reporters and has objectively analyzed President Nixon's foreign policies. He finds that "even moderate success" in Moscow will allow Mr. Nixon's goal of a "generation of peace" to become a powerful political instrument.

Mr. President, I ask unanimous consent that this outstanding article be printed in the RECORD.

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

[From the Los Angeles Times, May 22, 1972]

THE WORLD SEEMS TO BE CHANGING—FOR THE BETTER

(By D. J. R. Bruckner)

NEW YORK.—If the President realizes even moderate success in his negotiations with the Russians—and he is likely to, since the negotiations were largely completed before his trip—his search for "a generation of peace" will become a tremendously powerful political instrument for use against his challengers for the Presidency, and against blocs of congressional critics.

Presumably, the Russian leaders feel they can gain similar advantages in relations to their own people and government. If the desire for self-preservation inspires the leaders of both countries actually to reduce the danger of ultimate war, they can probably make a pretty good argument that they deserve to be preserved.

"A generation of peace" is an inflated formula, of course. New wars generally rise out of unforeseen causes; historically, diplomacy has failed, in part, because the diplomats were always correcting the causes of the last war. It is also true that arms limitation agreements have a disastrous history in this century. So, hope may not be reasonable; but it is understandable, especially in this country. We have had it harder in some ways than the Russians since World War II. Russia lost more men in that war than all the other countries fighting, and it must be feeling the effects of that loss even now. But, in the last 27 years, we have fought two wars, including the longest in our history, and the people are exhausted by them.

Nobody knows how much Russia has spent in that period on military budgets, but we know that she has spent much more than $1,000 billion in an arms race that reduces our safety every day. The agreements on arms limitations which have been worked out now will not really stop that race. But they can lead to a second stage of talks about the quality of weapons, not only the quality of them. The SALT talks have already become a major international institution, and if they have produced some benefit now, they may produce more in the future. Every sane man hopes we might eliminate the threat of annihilation. We seem to be an impossible distance from that dream. But if agreements and negotiations only reduce the military budgets of the two great powers, they are very worthwhile.

Mr. Nixon keeps telling us the world is changing, implying that he is changing a good deal of it. He is, too. And Henry Kissinger's formula is that, as nations are increasingly involved with one another in advantageous activities—as all levels of society and government are more involved—they are less likely to lose their tempers and blow up the world. That is a long-tested formula that has worked at different periods in history, and it might work again, for a while. And there is no doubt that the power relationships of the world have changed dramatically since Mr. Nixon took office.

Russia's power and influence in the Middle East, the Mediterranean and the Indian Ocean have grown rapidly and conspicuously. The economic power of Europe and Japan has increased in such a way as to create two new power centers in the world. Mr. Nixon has relieved us of the self-contradictory illusion that China is a tremendous and determined enemy, who does not count in the making of global power arrangements. And Europe, Japan and (heaven help us) Vietnam have relieved us of the illusion that our economy is an inexhaustible and impregnable power.

Willy Brandt has helped to relieve both Russia and the United States of their hopeless confrontation in Europe. His treaties with Poland and East Germany allow the World War II powers to proceed now with a new agreement on Berlin, and that agreement can lead either to negotiations on mutual Russian and U.S. reductions of force in Europe, or to a European security conference.

To the average American these arrangements may seem a bit remote, but even a brief conversation with a Russian makes you realize how important, historically and psychologically, a European settlement is to Russia. In the long run, the change within Western Europe itself, through the instrument of the growing Common Market, may be even more important to the world's future than anything we or the Russians do in Europe.

If the Russian press, and the talk of their diplomats, is a fair indication, their greatest interest is in new trade agreements, and Mr. Nixon has certainly flattered their hopes.

American companies are not about to get rich quick on a new trade bonanza, but a gradual opening up is essential to Russia now. It is not only the American economy that threatens her stature in the world now, but the great power to the economies of Western Europe and of Japan. In a world of war, Russia is one of two giants, but in a world of peace, she is not quite so great. The desire of the Russian leaders to correct this situation must be very great; they have even been hinting that they might join negotiations on a new world monetary system.

Mr. Nixon has obviously put all these talks together in time for his own advantage, and the Russians evidently find the timing and packaging to their advantage, too. And the domestic critics in both countries, in their different ways, must be baffled. We may not get a generation of peace out of all these talks, but at least these leaders on both sides have given up, for a time, winning support at home by threatening one another with destruction abroad.

## UNIVERSITY OF KENTUCKY STUDENTS PARTICIPATION IN UNIVERSITY YEAR FOR ACTION PROGRAM

Mr. COOK. Mr. President, I invite the attention of Senators to an illuminating feature article published in the Louisville Courier-Journal and Times on April 23, 1972. This article depicts the selfless splendid work being done by college students at the University of Kentucky who are participating in a new Federal program, university year for action.

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

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

A NEW VOLUNTEER PROGRAM: UNIVERSITY YEAR FOR ACTION

(By Leah Larkin)

"I've learned more in the past two months than I did in a year and a half of college," said Theresa Westerfield, 19, of Owensboro.

Miss Westerfield is a University of Kentucky sophomore majoring in social work. But she hasn't attended any classes on campus this semester.

Neither have 51 other UK students who, like Miss Westerfield, are participating in a new federal program, University Year for Action (UYA). They spend a year working for organizations which foster social service programs. They receive college credit from their university, a minimum of 30 hours, and a subsistence allowance, from $135 to $200 per month in Kentucky, from ACTION, the government agency over VISTA, Peace Corps, UYA and other government service programs. Most of them live in the communities where they work.

Miss Westerfield is living in Louisville and working for the Jefferson County Youth Commission. She works under the supervision of the research coordinator and currently is involved in research projects on recreation and summer employment.

"You can't learn social work in the classroom. This is a real experience. And you can also help someone to do something," she said.

Some of the UK faculty who work with UYA share her enthusiasm. Dr. Leonard Ravitz is a UK professor of education who coordinates the UYA program between the College of Education and the volunteers who are education majors.

"I think it's a tremendous experience. I can't think of anything better for a student," Ravitz said.

"It's the question of relevancy. Youngsters today complain about sitting in a classroom and not doing anything. They are concerned about the country and the world. They want a chance to get out and see it and do something. If we don't give them this chance, they'll drop out," he added.

Joseph Blatchford director of ACTION, announced the creation of the UYA program last July. Today there are 979 students from 24 universities participating in the program. They work in varied fields: housing, education, day care, forestry, architecture, agriculture, health, legal rights, employment.

The universities find agencies which can utilize the students' services, then recruit and train the students. UK students received four weeks of training before beginning work last February. UK faculty members are assigned to supervise and assist them with their field work. Twenty-eight students work in Lexington, 11 in Louisville and 13 in smaller communities throughout the state.

"The idea is to have students in a program where they can do something, yet with a professional backstop. If they have a problem, there is somewhere they can go, in this case the university," said Vyrle Owens of Lexington, who serves as co-director for UYA training and field operations at UK.

"We're tapping into a pool of young, enthusiastic volunteers, yet offering them protection," Owens added. He feels the protection and support of the university will help the UYA volunteers avoid some of the problems encountered by VISTA volunteers who work without a "professional backstop."

According to Jim Newton, deputy director of UYA in Washington, one of the purposes of the program is to "try to mobilize the resources of the university to work on local community problems, to break down the ivory towers."

At UK at least, it seems to be working. Dr. Ravitz visits the 15 UYA volunteers who work in Louisville and Lexington schools once each week. He, too, is learning from the experience. "It's the first time I've had an intensive relationship with students and people from different backgrounds," he said. "I wish more people could have this experience."

"I am very excited about what has happened with only two months of experience. We've made some significant contributions directly to low income people. We're helping agencies become more responsive to their clientele. Volunteers can provide that additional resource to help an agency do more effectively what it is designed to do," said Dr. Maurice Voland, UYA director at UK.

Two fourth-year architecture students are doing precisely that in Louisville with the Community Design Center. The center is a group of professional architects who volunteer their services to areas which can't afford architects. Since they had no full-time staff or office, their work was limited.

Now Tom Wilmes and Mike Heitz, both of Louisville, work full-time for the center in a temporary office on Third Street. Two VISTA volunteers also work for the center. They follow up requests from communities, discuss and plan community architectural needs, and get help from the professional architects to help fill these needs. They're currently working on projects with the California and Manly neighborhoods and in Madison Park.

Wilmes calls the experience a "good opportunity in field training. I've learned how I'll relate in an actual work experience."

Both Wilmes and Heitz feel they're learning as much about people as about architecture. And they see the importance of such learning.

"Architecture is becoming more service oriented. You have to take people's needs into consideration," Heitz said.

Other UYA volunteers working in Louisville also feel that "learning about people" is one of the most important aspects of their experience.

Six Louisville volunteers are working in two inner city schools, Roosevelt and Carmichael.

"I've learned a lot more about people. I've lost a lot of my middle class prejudices, such as judging people by the way they dress or look . . . I think a full semester of this should be included in every teaching program," said Bonnie Cecil, a junior from Louisville who is majoring in education.

Miss Cecil works with a special reading program at Roosevelt. She's beginning to notice progress in her students. "It nearly blew my mind this morning. A little boy, who has never read anything before, read through his reader as if he'd written it."

Phyllis Ponder works with a special group of fifth and sixth graders at Carmichael School. She grew up in the Smoketown neighborhood, not far from Carmichael, and feels her background helps her in her work.

"I didn't come into this completely blind. I know how these kids feel." She talked about success she has observed—the girl who used to cry and refuse to do her work has settled down and now cooperates, the boy who used to fight with everyone now gets along with the others.

Miss Ponder is trying to organize special projects for her students, a day trip to Frankfort and historical sites, a parent-student dinner. During the basketball season, she took some of the children to Colonels games.

All of the UYA volunteers try to get involved in community projects outside of their main job. Tom Miller, an education major from N. Key Largo, Fla., who is a member of the third grade teaching team at Roosevelt, has been working with adult education at night. Jan Berrick, who also teaches at Roosevelt, works with the neighborhood youth after school. He is an education major from New York City.

Although all of the students interviewed seem excited and pleased with UYA, the program is not without its problems. The ivory towers that Newton mentioned are not crumbling so easily. Because the program is new, some professors remain skeptical about it. They hesitate to grant a student credit for a specific course based on field work rather than classroom attendance.

Voland mentioned some of the limitations and frustrations of the program. "There are certain kinds of academic experiences that don't lend themselves to field work. Real life experience does not compartmentalize itself into separate disciplines or separate numbered courses," he said.

Yet he remains confident that the university will work out a more viable system to "legitimize the experience in terms of credit hours." He has already observed "the re-awakening of some faculty members to the legitimacy of different ways of learning."

According to the UYA headquarters in Washington, the program has proved itself valuable in its brief career. It is still technically known as a demonstration project, although "we intend to keep it alive and expand it," Newton said.

Just how much expansion will take place depends on money. And how much money UYA will receive is not certain at this point. They have requested funds for expansion, but they must wait for congressional approval.

As Dr. Ravitz says, UYA is "the coming thing in education . . . students are demanding this kind of experience."

His son Mark, a UYA volunteer at Roosevelt School, tells why. "It's a great experience. The amount you learn, the amount you grow, is unbelievable. It's so much better than the classroom. There's almost no comparison."

## NO DEAL ON RHODESIA

Mr. KENNEDY. Mr. President, I invite the attention of the Senate to an editorial from the New York Times con-

cerning the collapse of negotiations between Great Britain and the government of Southern Rhodesia.

The Pearce Commission's efforts to reach an accord with the people of Southern Rhodesia failed because black Africans made it clear that the terms of the proposed agreement were unacceptable. Africans understood that agreement as a sure method to legalize their inferior status once their country's independence became official under the plan.

It is especially fitting that the Commission announced its decision at this time because Great Britain has indicated with this action that they will maintain sanctions against Rhodesia. Hopefully this will insure that we in the Senate will uphold the provisions of Senator McGEE's proposal to reinstate the ban on trade with Southern Rhodesia.

I ask unanimous consent to have printed in the RECORD the editorial from the New York Times of May 24, entitled "No Deal on Rhodesia."

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

NO DEAL ON RHODESIA

Britain has honorably accepted the Pearce Commission's verdict that Rhodesia's black majority emphatically rejects the proposed settlement worked out by British negotiators with the white minority Government in Salisbury last November. This means that Britain will continue to maintain the mandatory sanctions invoked against Rhodesia by the United Nations Security Council.

In accepting defeat for a project on which he had expended great effort, British Foreign Secretary Sir Alec Douglas-Home warned that the stark choice in Rhodesia lies between a compromise settlement and "a rapid and complete polarization of the races and the prospect of conflict." This grim assessment may be accurate, for Rhodesia's white rulers have already taken the country far along South Africa's road to apartheid.

Once Rhodesia's five million blacks were free to express their views, however, there was scant chance that they would approve a settlement legalizing their inferior status far into the future and leaving the long-run possibility of majority rule dependent on the good will of white politicians. The most impressive aspect of the Pearce Commission canvass in Rhodesia was the manner in which blacks—including chiefs on the white Government's payroll—boldly denounced the proposals.

Sir Alec tried to keep alive the possibility of future negotiations; but Rhodesian Prime Minister Ian Smith flatly asserted in a broadcast that "there will be no negotiations with a view to changing any of the terms of the settlement." So the sanctions will continue and the black African governments will undoubtedly press in the Security Council for expanding them and tightening enforcement. The rejection of the settlement and the renewed focus on sanctions will be especially embarrassing to the United States, which has openly breached the U.N. Charter by importing Rhodesian chrome ore.

Congress can relieve that embarrassment and atone for its own unwise action last year by backing Senator Gale McGee's drive to repeal the Byrd amendment which, by allowing Rhodesian chrome imports, placed the United States in violation of the sanctions for which it had voted at the U.N.

Fortunately, the Nixon Administration has finally nailed the spurious arguments that helped get the Byrd bill through and has come out strongly for the McGee repealer. Its passage would be the most effective way to restore the validity of this country's long-standing commitments to the U.N., the rule of law and the principle of self-determination for all peoples.

## SYRACUSE UNIVERSITY PETITION ON VIETNAM WAR

Mr. JAVITS. Mr. President, on May 17 three key members of the Syracuse University community called upon me to present a petition signed by more than 6,000 members of the Syracuse University community in protest of the recent air and naval actions announced by the President against North Vietnam. The delegation was lead by Mr. Thomas Whittle, a student leader at Syracuse University. He was accompanied by Chancellor Eggers and Dean Sawyer of the Maxwell School of Political Science. The initiative for this protest came from the students, but the signature represent all segments, I am told, of the Syracuse community. I was informed that the more than 6,000 signatures on the petition were collected within a period of 4 days.

Mr. President, when Thomas Whittle called upon me to present this petition, he used that opportunity to articulate the sense of frustration which many members of the Syracuse University community feel with respect to what they regard as the unresponsiveness of their elected representatives to their viewpoint and their actions of peaceful and lawful protest and petition. In my meeting with Mr. Whittle, Chancellor Eggers, and Dean Sawyer, I assured them that their views would not go unheard and unheeded. I also used the occasion to commend the Syracuse University community and its representative leaders for this most proper and responsible exercise of their rights and responsibilities as citizens of the United States.

I ask unanimous consent to have printed in the RECORD the text of the petition, subscribed to by more than 6,000 members of the Syracuse University community, and the text of the reply which I have sent through Mr. Whittle to all members of the Syracuse University community.

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

TEXT OF PETITION

We, the undersigned members of the Syracuse Community, deplore the dangerous escalation of American involvement in Indochina inherent in the President's May 8 policy announcement. We urge an immediate end to the widespread bombing of North Vietnam, the mining of harbors and the naval blockade of the Vietnamese coast——

Mr. THOMAS WHITTLE,
*Syracuse, N.Y.*

DEAR TOM: I was deeply impressed by the Petition containing over 6,000 signatures of members of the Syracuse Community, which you presented to me in Washington earlier today. Let me reiterate what I told you orally on that occasion. I share the deep sense of anquish which moved the members of the Syracuse Community to protest the latest escalation of United States participation in the Vietnam war. I have been working hard for more than five years to bring an end to the U.S. military role in that tragic war. I assure you that I will continue to do everything I can to achieve the earliest possible disengagement of all U.S. forces from the war in Indochina. I am actively supporting current efforts in the Senate to legislate a cut-off date for the withdrawal of all American forces engaged there. Be assured that I will continue to speak out, and to represent such sentiments.

I was especially moved by your introductory statement in which you said that the group you represented wished to protest not only the war but "to protest your inability to protest." I understand the feelings of frustration which prompted you to make that statement. But, I assure you as your Senator and as a member of the Senate Foreign Relations Committee that the protest and the sentiments which you conveyed to me have indeed been heard and will not go unheeded. I intend to place in the Congressional Record the text of the protest which you conveyed to me on behalf of the Syracuse Community, together with an account of our meeting.

I commend you, Chancellor Eggers and Dean Sawyer who so graciously and effectively joined you, and the entire Syracuse Community for this most proper exercise of your rights and responsibilities as concerned citizens of our democracy. I ask that you give an account of our meeting, and make available the text of my reply, to all members of the Syracuse Community who joined in this petition of protest.

With best regards,
Sincerely,

JACOB K. JAVITS.

## SUPPORT FOR PRESIDENT NIXON

Mr. SCOTT. Mr. President, the Harrisburg Patriot published last week a letter to the editor which expressed succinctly and concisely the opinions of one American who is solidly supporting the President. Mr. Frank Masland of Carlisle states:

For those with no position of responsibility it is easy to carp and criticize.

Mr. President, I offer this citizen's view of President Nixon's policies as indicative that the people are indeed behind the President's actions. I ask unanimous consent that the letter be printed in the RECORD.

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

CRITICS HURT THE NATION'S WILL

EDITOR: Monday night I heard the President. No President in our history has ever taken a more courageous or self-sacrificing position. He recognized he could well be sealing his fate as a candidate to succeed himself. Fulfilling his obligations, he placed his country above all personal ambition. Tuesday I listened to TV Commentators and guests.

If Russia decides on a major confrontation with the United States it will be the result of her awareness that we are a divided nation.

That we are a divided nation is traceable almost entirely to the use made of television. Just as Hitler converted the peoples of Germany to his way of thinking through constant propaganda, so television has destroyed the credibility of government and those who govern, made loyalty and patriotism obscene words, destroyed the will of the people and created a divided nation.

The situation that confronts Nixon is one he inherited. He has taken every possible step to get us out of Vietnam while still permitting us as a nation to retain some self-respect and the respect of other nations.

As Truman said, "The President's desk is

where the buck stops." For those with no position of responsibility it is easy to carp and criticize. Circumstances that have confronted this nation since Nixon took over have been such that those who attack the President know that they are destroying the credibility of our government, thus weakening our ability as a nation to confront avowed Communist enemies.

Those commentators, those columnists, that handful of Senators and Congressmen, specifically, with the exception of Wallace, the Democratic candidates, all of whom have so viciously and consistently attacked the President are aware that in doing so they undermine the will of our people, destroy the credibility of our government and aid and abet the enemy. They are intelligent people and thus pursue their tactics with full awareness of the result.

All those to whom the label applies recognize that if Russia decides on a confrontation it will be as a result of their having aided and abetted the enemy.

FRANK MASLAND, Jr.

## CAPT. PHILIP HOGUE, U.S. COAST GUARD, HONORED

Mr. GRAVEL. Mr. President, an article dated May 18, published in the Kodiak Daily Mirror, has been brought to my attention. It is about a truly remarkable man, a career officer in the U.S. Coast Guard. The headline reads "Alaska Native People Laud Coast Guard Captain."

Phil Hogue's reputation as commander of the Kodiak Coast Guard Air Station has spread throughout Alaska. His humanitarian efforts have earned him the respect of not only the Native people who are honoring him but of all Alaskans.

Thousands of career military men and women have come to Alaska to serve. Many have left a significant impact in not only their devotions to duty but in their concern for the problems of the local citizens. Phil Hogue is such a man. The Alaska Federation of Natives and the Kodiak Area Native Association have passed an unprecedented resolution urging that this man be retained as commanding officer in Kodiak. I join them in honoring Captain Hogue.

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

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

URGE KODIAK AIR BASE—CO BE RETAINED—ALASKA NATIVE PEOPLE LAUD COAST GUARD CAPTAIN

(By Karl Armstrong)

An officer of the United States Coast Guard—Captain Philip Hogue, commanding officer of the Kodiak Coast Guard Air Station—rates the highest in the hearts of the native people of Alaska.

A resolution officially declaring the "respect, admiration and affection of the Native peoples of the State of Alaska" on behalf of the Coast Guard career officer, was unanimously approved by the membership of Kodiak Area Native Association at the organization's annual meeting Saturday night. The resolution, according to Harry Carter, executive director of the Alaska Federation of Natives, has the automatic unanimous approval of the statewide AFN organization which represents all of the Native people of Alaska.

The resolution urges that the Governor, state legislative and congressional delegation assist the AFN and KANA in having Captain Hogue retained as commanding officer of the Kodiak Coast Guard Air Station.

Captain Hogue is the only military man to have ever won an official commendation from the Alaska Federation of Natives and Kodiak Area Native Association.

AFN–KANA RESOLUTION

Whereas, the continued operation and expansion of the United States Coast Guard is vitally essential to the well being and welfare as well as the health and safety of the Alaska Native peoples of the coastal areas of the State of Alaska, and

Whereas, there has been special recognition of this need during the time that Captain Phillip Hogue has been commanding officer of the Kodiak Coast Guard Base, and

Whereas, in numerous occasions and in innumerable ways, Captain Phillip Hogue has demonstrated a special cognizance of the Alaska Native peoples and of their needs insofar as their health and welfare are concerned, and

Whereas, Captain Phillip Hogue has through his actions and demeanor won the respect and admiration of the Alaska Native peoples and of all the villagers of Alaska by demonstrating his real concern,

Now therefore let it be resolved that, the Kodiak Area Native Association petition the Alaska Federation of Natives and the Alaska congressional delegation, the Alaska State Legislature and the Governor of Alaska requesting that Captain Phillip Hogue be retained as commanding officer of the Kodiak Coast Guard Air Station, and, further that it be made a part of his personal record that Captain Phillip Hogue has won the respect, admiration and affection of the Native peoples of the State of Alaska for outstanding service.

## SMOKING AND HEALTH

Mr. COOK. Mr. President, in February the Consumer Subcommittee held 3 days of hearings on S. 1454, a bill to require the FTC to set maximum limits of "tar" and nicotine in cigarettes and also on the 1972 Surgeon General's report on smoking and health.

In my opinion, the hearings showed that nothing new has been established regarding the relationship between smoking and health since 1965 hearings by the House Interstate and Foreign Commerce Committee. In summary, a balanced view of all available evidence shows that any scientific, causal link between smoking and health is inconclusive. Moreover, even much of the statistical data that the antismoking forces rely on is contradictory and incomplete.

So that my colleagues might have a better understanding of this entire issue, I ask unanimous consent that my closing statement on these hearings be printed in the RECORD.

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

SMOKING AND HEALTH

I agree with the chairman that in three days of hearings we have "Covered considerable territory." However, I reject the implication that this means we have made any real progress in resolving the question of smoking and health. For as is usually the case in a full and open debate on this subject, we have come full circle and have arrived at the starting point.

The question of smoking and health, as I predicted at the outset, is still a question. This committee, this Congress, and this Nation, is still confronted by a genuine and perplexing scientific controversy. It is worth recalling that after thirteen days of hearings in 1969, the House Interstate and Foreign Commerce Committee covered even more territory and reached the same point, concluding that nothing new had been determined regarding the relationship between smoking and health since its earlier hearings in 1965.

Unfortunately, one new element has emerged, an element to be deplored. And that is the attempt on the part of the anti-smoking advocates to deny the very existence of a controversy by assertions that there is no honest disagreement with the official line that cigarette smoking causes human diseases.

(Ironically, we learned from the President's trip to China that the Chinese regard the campaign against smoking as a "Capitalist-Imperialist Plot." Perhaps the Maoist surgeon General is also asserting that there is no "honest disagreement" with his position that smoking is patriotic. All of which argues for the strict separation of science and politics.)

Science begins with doubt, not dogma. Science is the search for knowledge, not the surrender to ideology. It advances by rigorous research, not crusading zeal, nor political expediency. It establishes truth by observation, hypothesis, and experiment, not by majority vote. Two of the greatest discoveries of our time, the theory of relativity and the genetic code, were developed by individual genius, not by the consensus of an advisory committee, or the edict of a bureaucrat.

But the ideas and principles of science are often abused and ignored in the cigarette controversy. Why? I think explanation can be found in something Louis Pasteur said over a hundred years ago: "All things are hidden, obscure and debatable, if the cause of the phenomena is unknown, but everything is clear, if the cause is known." The nagging fact is that we continue to be snared in the cigarette controversy for the obvious reason that the causes of cancer, heart disease and emphysema are still unknown. We will continue in this unhappy situation until those causes are finally discovered in the only way possible—by scientific research.

Meanwhile, legislators are expected to prescribe a political remedy to cure a condition the cause of which is scientifically and medically unknown.

In 400 B.C., the ancient Chinese sage Mo-Tze warned us that "the physician who is attending a patient has to know the cause of the ailment before he can cure it. That good advice applies to Senators as well.

Some apparently disagree. Some have a cure. But does it rest upon knowledge of the cause? Based on my analysis of the record, I seriously doubt that it does.

Let us look at the facts.

To begin with, Senator Moss proposed legislation to require the Federal Trade Commission to set maximum levels of "tar" and nicotine content of cigarettes. It would be, he said, "the next logical step" in a chain of events which I can only conclude would end with complete prohibition.

Officials of the Department of Health, Education and Welfare and of the Federal Trade Commission endorsed the purpose of his bill. But their testimony revealed that they were less than enthusiastic about being given the responsibility of implementing it.

On the one hand, Doctor Merlin K. Duval, Assistant Secretary for Health and Scientific Affairs, wanted the F.T.C. to set maximum "tar" and nicotine levels to avoid putting H.E.W. in the position of seeming to approve any safe level of smoking at all; for as Doctor Daniel Horn, Director of H.E.W.'s antismoking operation, frankly acknowledged the only safe level, consistent with H.E.W.'s position, would have to be "zero consumption."

On the other hand, Robert Pitofsky, pre-

senting the views of the commission's Bureau of Consumer Protection—but not the commission itself—wanted H.E.W. to set the "tar" and nicotine levels, because the commission is not medically or scientifically qualified to make such judgments. He, too, wants zero consumption.

The spectacle of two government agencies ducking responsibility was surprising and, I suppose, embarrassing to the bill's sponsor. Their evasion of responsibility indicated to me that this proposal was seen, even by those who are disposed to crack down on tobacco when given half a chance, as being based on very tenuous scientific evidence. And as the record unfolded, it became clear that the "tar" and nicotine content of cigarettes had very little, if anything, to do with the cause of the condition Senator Moss wants to cure.

Several eminent scientific witnesses expressed grave doubts about Senator Moss' theory. For example:

1. Doctor Sheldon C. Sommers, research director and chairman of the Scientific Advisory Board of the Council for Tobacco Research, pointed out that with respect to lung cancer. the newly-published standard American Textbook of Pathology, includes this statement:

"The close relationship between certain types of lung carcinomas and cigarette smoking has been made well known, as has the lesser relationship to cigar and pipe smoking. Whether or not a cause-and-effect relationship has been proved is a blend of logical, statistical and emotional argument."

Doctors Sommers noted that the text omits mention of biological evidence or scientific proof in the blend of argument.

2. Doctor Robert C. Hockett, acting scientific director of the Council for Tobacco Research testified that "it has not been shown whether, how, to what extent or in whom cigarette smoking can contribute to the etiology causation of any disease that is presently a major cause of illness or early decease." He did not find any convincing evidence that either "tar" or nicotine or any other agent in cigarette smoke has been "incriminated" in relation to any human disease. "Consequently," he said, "There is no scientific basis on which to establish 'maximum acceptable levels of tar, nicotine or other incriminater agents' as proposed in S. 1454."

3. Doctor Ronald Okun, assistant professor at the University of California School of Medicine at Irvine, who testified on the basis of his experience and a review of the scientific literature, including the recent surgeon general's report, said: "I cannot tell the significance of nicotine content, 'tar' content, and potential carbon monoxide levels derived from cigarette smoke on health." He said that a false sense of significance, if not security, can be derived by the non-scientific public from Government establishment of maximum levels of these constituents.

4. Doctor Arthur Furst, director of the Institute of Chemical Biology at the University of San Francisco, noted that "while we have been able to induce lung cancer in animals by the inhalation of various substances, we have not been able to do this using tobacco smoke." He said further that "setting limits on compounds formed in tobacco smoke or condensate would be to act in what is nearly a scientific vacuum as far as good experimental data is concerned."

Regarding attempts of the surgeon general and others to deny the existence of a legitimate scientific controversy about smoking and health, Doctor Furst declared: "When you say there is no honest disagreement, you are simply saying that people who disagree are not honest, and this I resent."

Apparently, other scientists agreed with him. Following the last day of hearings I received statements from several of them. They demonstrate, of course, that there is indeed an honest disagreement on the issue. There also is further evidence that Senator Moss' cure is not scientifically justified. Here are some excerpts reflecting the strength of their convictions.

5. Doctor R. H. Ridgon, professor of pathology at the Medical Branch of the University of Texas at Galveston, stated:

"To my knowledge, it has never been scientifically established that tobacco smoke condensate is harmful or hazardous to smokers.

"My experiments emphasize the fact that much additional information is needed before we draw any conclusions about the effects of tobocco smoke condensate or any of its constituents on smokers."

6. Doctor Irwin Miller, senior member of the professional staff and senior statistician, Arthur D. Little, Inc. commented on Doctor Duval's claim that the evidence shows "definable dose/illness" relationship. Since that "evidence" was an article by Doctor Ernest L. Wynder on recent trends in lung cancer, Doctor Miller examined it and concluded that "Doctor Wynder's data will not even support his own conclusions, must less Doctor Duval's statement." Doctor Miller went on to say:

"It is difficult to conceive that such slight and possibly insignificant reductions in tar could account for the alleged large reductions in risk of lung cancer reported by Doctor Wynder . . . Doctor Wynder's paper can be regarded as supporting a "constitutional hypothesis" concerning the relation between cigarette smoking and cancer. A more likely explanation of Doctor Wynder's findings is that the subjects who switched to filter cigarettes by the very act of switching exhibited a constitutional dissimilarity from those who continued to smoke regular cigarettes."

7. Louis A. Soloff, M.D., distinguished service professor of medicine and formerly chief of the division of diseases of the heart at Temple University Health Sciences Center, stated:

"In conclusion, the data linking heart disease and smoking are still questionable. Studies with particular reference to twins in the United States and Sweden and epidemiological studies in many countries fail to show a correlation between smoking and coronary heart disease. Human studies on smoking that utilize highly artificial circumstances are of questionable validity. Such data do not provide support for the proposed arbitrary limitation on so-called "incriminated agents" in cigarette smoke."

8. Thomas H. Kirschbaum, M.D., professor and chairman, department of obstetrics, gynecology and reproductive biology at the College of Human Medicine, Michigan State University, East Lansing, Michigan, discussed the charge that smoking causes injury to pregnant women and their infants:

"That a relationship between smoking and increased perinatal hazard might exist is true, but to state that strong evidence exists in its support seems to me not true. In addition, without any judgment in regard to the motivation which is operative, it would seem to me that the evaluation of evidence has been marked by a strong suggestion of bias. A more balanced view of the evidence which exists would support the contention that epidemiological data is possibly suggestive but so contradictory and conflicting at present as to be truly inconclusive."

9. George F. Wright, Ph.D., professor emeritus of chemistry, University of Toronto, described animal experimentation work he has participated in since 1954, which tried to determined what, if any, agent in cigarette smoke is carginogenic, and concluded that:

"An honest appraisal shows that very little has been discovered.

"The chemical evidence insofar as it is supported by physiological evidence shows that tobacco smoke is not specifically carcinogenic.

"The danger in popular condemnation of smoke is the tendency to divert attention from the idiosyncracies of the smoker. This mistake has been made (by myself and others) but it ought not to be continued.

"The best that can be done today is to search for more knowledge."

10. Charles H. Hine, M.D., clinical professor of pharmacology and preventive medicine in the School of Medicine, University of California, San Francisco Medical Center, reviewed the scientific literature concerning "tar," nicotine and carbon monoxide, and concluded that:

"It would be regrettable to ban certain tobacco products when our knowledge of any effect they may have is incomplete and when the effect of such a ban on smokers' pleasures needs or desires is too little understood."

In all fairness let me say that I do not blame Senator Moss for leaping to a cure before the cause has been found. But I find it difficult to excuse those in Government with scientific responsibility for failing to inform him or others in Congress of the tenuous basis for such premature action.

For example, a recently released report of the National Heart and Lung Institute Task Force on Arteriosclerosis contains statements which strongly suggest that all is not known in this area and that Congress may be about to legislate in the dark. I can draw no other conclusion from the following statement:

"The one overriding problem in atherosclerosis is that we do not as yet understand the basic mechanism underlying the development of the lesion, nor how various risk factors act to influence the progress of these lesions so as to bring about premature development of clinical disease. This lack of knowledge makes it difficult to develop a rational program of prevention and control."

On the central issue of Senator Moss' bill to control the kind of cigarettes that Americans may legally purchase, the report casts further doubt:

"At present, it is not known whether one type of cigarette has a different effect on the rate of cardiovascular disease than another. Likewise, it is not known whether the reductions in nicotine content of cigarettes is leading to a reduction in atherosclerosis and its various clinical sequelae.

"It remains to be shown to what extent, if any, carbon monoxide affects the progression of atherosclerosis or the occurrence of acute events."

Why did not the H.E.W. witnesses advise Senator Moss or others on this committee of these unresolved problems? Why did they support a bill that would, in effect, shoot first and ask questions afterward?

Inconsistency was not limited to the science of smoking and health. The hearings produced instances which gave clear indication that strong emotional commitment, rather than sound reason was a motivating force.

How else can we explain the inconsistency of a Deputy Assistant Attorney General questioning before this committee the value of the law banning cigarette commercials when at the very same moment its constitutionality was being defended by his own Department just across the street at the Supreme Court.

How else can we explain the chairman's declared intention to by-pass the legislative process and bring suit in Federal court to achieve the goal of his own bill, the limitation of "tar" and nicotine content of cigarettes?

How can we believe his protestations that he opposes prohibition when Food and Drug Administration witnesses testified that his proposed lawsuit, if successful, would require them to ban cigarettes from the market?

Anti-smoking zeal is the motivating power behind these developments. It is a crusade that reminds me of a locomotive which has a

bigger head of steam to blow the whistle than to drive the wheels. As a result, it makes a shrill noise and excites people, but it does not make any progress in moving forward.

Progress in science is made by unprejudiced minds working in an environment free of official popular crusades, or, what is worse, self-ordained certainty.

It is time for the Surgeon General and those in Government who have made a career out of anti-smoking to take to heart Francis Bacon's wise saying: "If a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties."

## SAVINGS BOND DRIVE OF SIMPLICITY MANUFACTURING CO.

Mr. THURMOND. Mr. President, the Simplicity Manufacturing Co. of Lexington, S.C., has announced that it has again received 100 percent participation from its employees in their 2 week U.S. savings bond drive.

Last year the company achieved 100 percent participation with 184 employees. This year the company experienced a 62-percent growth to 296 employees. Even with this expanded growth Simplicity employees again came forward with 100 percent participation in the savings bond drive.

The employees of the Simplicity Manufacturing Co. are to be congratulated for their fine support of our country. Citizens everywhere should heed this example of faith and support in the American system.

Mr. President, I ask unanimous consent that a letter from Mr. R. J. Kronschnabel, general plant manager to President Nixon be printed in the RECORD.

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

LEXINGTON, S.C.,
*May 15, 1972.*

Mr. RICHARD M. NIXON,
*The President, the White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: During the weeks of May 1 to May 12, 1972, the Simplicity Manufacturing Company Plant, subsidiary of Allis-Chalmers in Lexington, South Carolina conducted its anual U.S. Savings Bond Drive.

During this two-week period we achieved, for the second consecutive year, 100% participation from our 296 employees.

Of significance, is the fact that while last year we achieved 100% with 184 employees, this year we accomplished 100% with 62% more people involved.

Realizing the many divisions in our country over various current issues and the burden this places you under, I believe our employees have demonstrated their belief in our American system.

Sincerely,

R. J. KRONSCHNABEL,
*General Plant Manager.*

## INTERNATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, as chairman of a Senate Subcommittee on Science over the past 4 years I have been impressed with the international character of scientific research. Science knows no national boundaries: the body of scientific knowledge and the methods of scientific research are the same for all people throughout the world.



It is important that there be as free an exchange of basic scientific knowledge as possible among the nations of the world; for each new increment of scientific truth belongs to all nations, and can benefit all people. At the same time, the exchange of scientists and scientific information is an instrument which can improve understanding among nations and further the cause of peace.

It is in this spirit of furthering scientific knowledge for the benefit of all mankind that I wish to bring to the attention of the Senate the movement to establish an International Science Foundation. The idea of establishing an International Science Foundation was first considered publicly at the 1965 Pugwash conference—the Committee on Science and World Affairs. Many of the leading scientists attending the meeting pointed out that young people with real promise returned home from their scientific training abroad only to find that there were not adequate facilities to undertake the scientific pursuits for which they had been trained. An international mechanism was required to provide a professional climate in which the young scientists could effectively function in their home countries, for the benefit of their own people and all mankind.

It was felt that an international science foundation could serve the world in many of the same ways that our own National Science Foundation serves our Nation. Such a foundation would support a few carefully selected people with research grants. It would establish links between scientists in various parts of the world. It would try to encourage a climate in different countries in which basic science could be pursued. Indeed, it might lend scientists to the underdeveloped world much as the World Bank lends money.

In 1970, this idea was discussed at the U.N. Advisory Committee on the Application of Science and Technology to Development—ACAST. In July of that year, representatives of 16 national academies of sciences met at the Hotel Foresta and issued a press release endorsing the idea of supporting an International Foundation for Science—IFS. They stated:

The meeting of 16 national academies of science and other scientific organizations and individual scientists from developed and developing countries supports the idea of creating an International Science Foundation (IFS) for the following purpose:

To help in building up active scientific communities in developing countries by supporting the work of talented individual scientists, or groups of scientists, in research work relevant to the needs of their respective country.

The special role of the IFS originates in the function of science as a socially responsible, unique intellectual activity of man, which needs for its completeness contributions from all human groups and societies, so that science can contribute its share to the improvement of the human condition.

The foundation will solicit and raise funds from governments, international bodies, commercial and industrial enterprises, and other foundations and individuals for the operation of the foundation. From these funds the foundation will make grants to individual scientists in developing countries on recommendation of their peers in their respective fields.

The IFS grants would be made on an international basis. The foundation, availing itself of the idealism of the world scientific community, would help in this and other ways with the basic objective of supporting pure and applied science in developing countries.

The foundation will be managed by representatives of national science academies and other member organizations. It is expected that the first meeting of an Interim Board will be held before September 1971 in order to formally establish the IFS. A Continuing Committee, consisting of scientists from developing and developed countries, has been set up to take the necessary steps to establish the IFS at the projected meeting of the Interim Board. It is understood that the IFS—though established as an independent organization—will in its operations be recognized as affiliated to UNESCO.

A continuing committee was then formed to pursue the idea, including consideration of whether the IFS should be autonomous and run by scholars or, alternatively, placed under the aegis of UNESCO. At the moment, assuming that adequate funds can be found to support the project, it appears that an autonomous institution may be established. Among senior American scientists working toward that end are: Dr. Robert Marshak, president of the City University of New York; Prof. Roger Revelle of Harvard University, and Dr. Detlev Bronk, who served as president of the National Academy of Sciences for 12 years, 1950–62, and chairman of the Board of the National Science Foundation for 8 years, 1956–64. These men are uniquely qualified to shape an International Science Foundation.

At this stage of the project, the scientific sponsors of the proposal are negotiating with the Swedish Government to take a leading role in establishing the new institution. As the project proceeds further, it will be appropriate for the United States to consider what role it should play in an International Science Foundation. But I believe there is no question that such a foundation can serve a highly useful function in the international support of science, and I commend the proposal to the attention of each Senator.

## FEDERAL OMBUDSMAN

Mr. SCOTT. Mr. President, Thomas E. Drumm, Jr., the first Federal ombusman, an ombudsman for Commerce, has been selected as winner of the 1972 KABC Radio Ombudsman Distinguished Achievement Award. KABC serves the Los Angeles, Calif., area and became, in 1967, the world's first ombudsman radio station, aiding citizens across the country in defending their constitutional rights. The establishment of the Ombudsman Distinguished Achievement Award was designed to encourage the creation of ombudsmen positions in all the States.

Mr. Drumm, since his appointment in March 1971, has served as a sounding board where business may bring their inquiries, criticism and suggestions and receive guidance and assistance. Since his appointment, Mr. Drumm has immeasurably improved the communication between business and Government

by helping to resolve legitimate complaints about Government activities. He has used tact, conscientiousness, and skill.

For these outstanding and innovative achievements, Thomas E. Drumm is most certainly a deserved recipient of this fine award.

Mr. President, I ask Senators to join me in saluting Mr. Drumm, and I ask unanimous consent that the KABC resolution recognizing his excellent performance be printed in the RECORD.

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

THE 1972 KABC RADIO OMBUDSMAN DISTINGUISHED ACHIEVEMENT AWARD TO THOMAS E. DRUMM, JR., IN RECOGNITION OF HIS DISTINGUISHED ACHIEVEMENT AS THE FEDERAL OMBUDSMAN FOR BUSINESS IN THE U.S. DEPARTMENT OF COMMERCE

Whereas, in 1967, KABC RADIO became the world's first Ombudsman radio station and has helped persons in all fifty states and many foreign countries in defending their citizen rights; and

Whereas, KABC RADIO has tried to make government more responsible to citizens as well as to involve all people in the processes of democracy and has urged the creation of Ombudsmen at all levels of government; and

Whereas, Thomas E. Drumm, Jr. was appointed by Secretary of Commerce Maurice Stans in March 1971, as the first Federal Ombudsman, an Ombudsman for Business, in the United States Department of Commerce; and

Whereas, Thomas E. Drumm, Jr., serving as Special Assistant to the Secretary of Commerce as Ombudsman for Business has provided an outstanding service to America by serving as a Federal Ombudsman to whom businessmen may bring their inquiries, criticism, suggestions, and obtain information, guidance and assistance on government matters; and

Whereas, Thomas E. Drumm, Jr. as a Federal Ombudsman for Business has immeasurably improved communication between businessmen and government, has successfully assisted businessmen by providing them with knowledge of opportunities and rights accorded them by government programs established for their benefit, and, further, has provided outstanding service to all Americans by helping to resolve legitimate complaints about government activities relating to business,

Be it therefore resolved that KABC Radio honor Thomas E. Drumm, Jr. for his distinguished achievements as the Federal Ombudsman for Business by awarding him the 1972 KABC Ombudsman Distinguished Achievement Award.

Awarded this day, April 5, 1972, by unanimous action of the KABC Radio Editorial Board.

## LOCAL CITIZENS PARTICIPATION IN ENVIRONMENTAL CLEANUP

Mr. COOK. Mr. President, it has been brought to my attention by some very proud citizens in Paducah, Ky., and surrounding areas, that our Coast Guard unit there, "Clark's River Flotilla 27–4," commanded by Henry L. Lane, is rendering an outstanding service to that community not only by providing the regular protection and assistance recognized in these units, but by further conducting safe boating classes for the public and engaging in their own cleanup campaign.

In this latter area, Flotilla 27–4 last year set up waste barrels and made weekly trash pickups along the Indiana sand bar, and I understand this effort is being continued. Such action encourages others to act in the same respectful manner and enhances the beauty and enjoyment of the water and its surroundings.

I am proud of this type of effort by a local group and am proud to share this kind of information with my colleagues. I wholeheartedly encourage this type of service to a community and have always contended that if each individual person and group felt that they had some contribution to make to their fellow friends and neighbors, this would be a lot nicer world.

## THE NUCLEAR STANDOFF

Mr. GAMBRELL. Mr. President, Dr. Peter Fong, a professor of physics at Emory University in Atlanta, has written an extremely lucid article on the current standoff among the major nuclear powers of the world. This article, entitled "Hope From a Chinese Fable," appeared in Atlanta Journal Constitution magazine on Sunday, April 16, 1972. I ask unanimous consent that this treatise be printed in the RECORD.

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

HOPE FROM A CHINESE FABLE

(By Peter Fong)

J. Robert Oppenheimer, father of the atomic bomb, once compared the danger of nuclear stalemate between America and Russia to that of two scorpions in a narrow bottle. Each one is wary that the other might strike first unexpectedly and is waiting for a chance to eliminate the other if for no other reason than to terminate the dangerous situation. Quite likely the two will stumble into a desperate struggle no one wants and will end up with the destruction of both.

How to save the two scorpions who cannot escape this narrow bottle? Wise men, scholars and think tank experts have been wringing their hands for two decades without a satisfactory solution.

I believe I have an answer to this $64 million question. To save the two scorpions, put a third scorpion, equally deadly, into the bottle. Don't be afraid things will become worse. Quite the contrary. When the number reaches the magic three, the scorpions will coexist as peacefully as angels. Why? Once the third is there, no two of them will engage in a desperate battle of annihilation and no one will launch a surprise attack or a pre-emptive attack on a second because each of them will know that the ultimate winner would be the third scorpion standing by. It would indeed be foolish to do anything rash. They are naturally compelled to be peaceful. If only two scorpions are in the bottle, the rash thing is by no means foolish.

The thesis I want to establish is this: peace by two-power stalemate is precarious, touch and go. It is an unstable equilibrium. Peace by three-power stalemate is enduring, touch-won't-go. It is a stable equilibrium.

Already we see the third scorpion emerging on the horizon, brandishing its deadly nuclear tail. Already the international relations are complicated by the entanglement of a love-hate triangle. There are conflicts between Russia and China, problems between China and America, and struggle between America and Russia. Yet there are also negotiations in Peking, in Warsaw, and in Vienna-Helsinki among the three contending parties. Both the conflicts and the negotiations are influenced and complicated by the presence of the third party.

Does this new situation harbor unseen danger, or enhance the prospect of peace? If my thesis is correct, the new happenings may not be a bad omen but perhaps a blessing in disguise.

How do I reach my conclusion? I do not want to give the impression that I am the wisest man of the century. As a kid, like many millions of Oriental school children from Japan to Thailand, I enjoyed reading the Chinese historical fiction "The Story of Three Kingdoms." By history and by fiction the Three Kingdoms of the third century A.D. (220–264) in China demonstrated clearly the basic principles of three-power politics, which, nevertheless, are not familiar to the Western world.

The period of the Three Kingdoms followed the breakdown of one of the earlier empires, the Han Dynasty. The central government became weak and lost control over the provinces. The local governors, backed by the local army, seized control of the provinces. The empire fragmented. Then the process of annexation began. The stronger local power annexed its weaker neighbors, and the nation saw the emergence of a smaller number of superior powers. One power, later becoming the Kingdom of . . . more or less unified northern China and was . . . its army down in an attempt to conquer the southern regions. Thereupon two lesser powers in the south ganged up in a crucial fight to stop the advance of Wei. The armies were engaged in a historical battle known as the Battle of Redcliffs. The South won. The northern army retreated. The two powers of the South swiftly annexed weaker neighbors and established two kingdoms: Wu in the southeast and Shu in the southwest. The "world" became tripartite, and the half century that followed with the three powers contending with one another is known as the period of the Three Kingdoms.

The Battle of Redcliffs brought out one basic principle in three-power politics: whenever one power becomes excessively strong, threatening the existence of the others, the two lesser powers will unite to cut it down to size. If the three powers began with comparable strength, it would be difficult for anyone to become excessively strong. Before that took place the other two would unite to stop it. And with two united, the third would not have a chance. This means that once the world is made tripartite, it tends to remain tripartite. No one can conquer anyone else. In other words, tripartition is a stable configuration. And this means enduring peace.

Following the conclusion of the Battle of Redcliffs there was a little episode which was exaggerated in the fictionalized history and was made known to everyone through the appearance of the theme in Peking opera and in other popular media. In Peking opera this episode is enacted in a number called Hwa-Yung Road or Capture and Release of Tsao Tchao. The historical authenticity of the episode is irrelevant because it illustrates the principle just the same. The story goes as follows: the northern army under the the command of its strong man, Tsao Tchao, was retreating. A contingent from the Shu force was sent to intercept it. The contingent was under the command of Lord Kwan, one of the few folk heroes honored with the unofficial title "Lord." The story goes that Lord Kwan successfully intercepted the retreating army in Hwa-Yung Road and captured Tsao Tchao. But instead of killing him or putting him into prison, Lord Kwan, in an act of chivalry, released him.

In an earlier time, Tsao Tchao had befriended Lord Kwan and bestowed favors on him. It was then time for Lord Kwan to reciprocate. And he did, out of chivalry, even at the risk of a treason charge. Thus Lord Kwan by his actions in Hwa-Yung Road became a paragon of chilvalry and was revered as the patron saint of the commercial community. It is well to recognize that reciprocating

favor is a basic rule of the game in the business and political community, and it is only natural that the society should see this principle indoctrinated, through the popular media such as Peking opera, by such fictional presentations as the Hwa-Yung Road.

What is more likely the case is that Lord Kwan's contingent ambushed Tsao Tchao's retreating army and inflicted some damage but did not put up a hard fight to decimate Tsao Tchao. The affair was then exaggerated into a story of capture and release. But why?

The northern army was stronger. Even though the intercepting contingent had the geographic advantage, it would have suffered serious losses in a hard fight. If Wei and Shu were the only two contending powers in the world, by all means Lord Kwan would put up a hard fight knowing the large number of casualties he would suffer because this was his once-in-a-lifetime chance to inflict serious damage on the other party. His loss, no matter how large, was a price worth paying. But Wei and Shu were not the only contending powers. There was a third, the Kingdom of Wu. If Wei and Shu engaged in a hard fight with heavy losses on both, the eventual winner would be not one of them but the third party. It would be stupid for Lord Kwan to pitch a serious battle. A small-scale fight with limited gains was all that was desired. Here is a case where the decision making is reversed when two-power politics changes to three-power politics.

This brings out a second principle of three-power politics: no two powers will engage in a life-or-death struggle. Wars will still happen but will be of a limited scope and purpose. They will be exercised as an instrument to redress imbalance of power, not as a means of destruction.

The two principles lead to the conclusion that the tripartite configuration is not only stable but also relatively peaceful. The restricted wars of limited purposes are a lesser evil compared with the war of annihilation. The important point is that three-power politics automatically avoids the occurrence of total war. Indeed, after the establishment of the Three Kingdoms, the tumultuous political changes following the breakdown of the empire came to a stop, and the world entered a period of relative peace.

The empirical, historical study provides enough leads to begin a theoretical, systematic study of the problem of world peace. Let us not expect the impossible and hope for the unrealizable but take as our starting point the recognition of powers and power politics. What kind of peace is possible? This depends on the number of powers in the world, which can be one, two, three, or any large number. We shall call that large number n. Let us investigate systematically what kind of peace is possible in a one-power world, two-power world, three-power world and n-power world.

A one-power world apparently guarantees peace. At least there will be no *inter*national wars. The trouble is that the world we have now is occupied by a number of powers and it would take a substantial war of elimination to bring about a one-power world. Thus before we can relish the peace, we have to suffer the bitterness of war; this defeats the purpose of peace-seeking. Yet in an age of anxiety the prospect of one-power peace may even become attractive. Lord Russell preferred domination by Russia to fighting a nuclear war. Yet in practice there is no prospect that a one-power world may be realized from what we are today. The one-power peace must be eliminated from the alternatives.

Historically some of the peaceful periods in world history were actually the result of one-power domination. The second century A.D. of the Western World was one of the most peaceful and prosperous in history. The peace was the result of the domination of the world by the Roman Empire. It was a peace of a universal empire. Yet even a universal empire is no guarantee for everlasting peace. All empires eventually broke down and *intra*-empire wars ensued. There was no recipe for an everlasting empire.

Some of the medieval times were relatively peaceful and they may be regarded as being blessed with the peace of a universal church. Historical lessons made it clear that as an instrument of eternal peace the church is as fragile as the empire.

Students of Western history are well acquainted with the two-power world. The stories of the struggle between Athens and Sparta and between Rome and Carthage are familiar to all. They cast a dark shadow on the future of the world because of the American-Russian nuclear rivalry. The outcome of a two-power contest is written at the beginning. Both powers muster all their resources in a life-or-death struggle. The intoxicating temptation of victory and unimaginable fear of defeat drive the two into a deadlock fight eventually ending with the total destruction of the vanquished, the utter exhaustion of the victor and the ruin of civilization. Both sides see the ultimate doom and there is no escape. Under their wide eyes, the boat of destiny is swept helplessly by the rapids and plunges into the whirlpool of annihilation.

It is true that when two super-powers find themselves in comparable strength they may stalemate into a peace. But to have peace is not enough; we must know the quality of peace, whether the peace is precarious or enduring. A precarious peace easily leading to war is no peace at all.

In this pursuit we may follow the practice of the physical scientists who analyze the nature of equilibrium and classify it into three kinds: stable, unstable and neutral. Peace, stalemate or balance of power is a kind of equilibrium and can be analyzed in a similar manner. An example of unstable equilibrium is a ball balanced on a saddle. Such a balance can be obtained but is precarious. A slight disturbance will cause the ball to roll all the way to one side or the other; the balance is easily destroyed. Another example of unstable equilibrium is the balance of two balloons through a connecting tube. The two balloons of equal size can be balanced precariously. But sooner or later one will expand at the expense of the other. The basis property of the unstable equilibrium is that any deviation of equilibrium caused by any slight disturbance will tend to produce further deviation from the equilibrium. Deviation from the equilibrium compounds and accelerates itself and eventually destroys the equilibrium. Thus any slight disturbance may upset the equilibrium.

The balance of two superpowers is like the balance of two balloons. They can be balanced precariously when the strengths are exactly the same. Once one side weakens it goes all the way. The danger of surprise war arises because everyone wants to gain that edge of advantage by striking first. The danger of pre-emptive war appears because there is no way to relieve the threat of an eventual uncertain war. Once war starts it goes all the way to the destruction of the vanquished. Destruction is the only way to eliminate future danger. Why should a victor give up the chance of establishing permanent security by destroying the vanquished? The Roman senator Cato ended every speech in senate by exclaiming, "Carthage must be destroyed." Not that he was particularly blood-thirsty. The mechanics of two-power politics made it necessary. The two-power politics is more dangerous than necessary. It is like two moose engaged in a lock-horn fight with a tragic ending nobody wants but nobody can escape. The tragic ending in the struggle between Athens and Sparta and between Rome and Carthage signaled the end of the Golden Ages of Greece and Rome. There was a reasonable fear a decade back that the two-power struggle between America and Russia might bring destruction to the whole civilized world.

The situation is reversed in a three-power world, which is not familiar in Western history. The dictate of the mechanics is not the expansion of one at the expense of the other but the maintenance of equal power among the three parties. There is no incentive for one party to launch a surprise war against another because the ultimate victory would go to the third. By the same reason there is no incentive to launch a pre-emptive war. If war breaks out at all it will not be one of annihilation; it will be a limited one for restoring the imbalance of power. The ill-fated moose and scorpions are helpless because there is no one else around to help. In a three-power world the third party is available, and it lends all the help that is necessary to break the deadlock of two-power struggle.

The crux of the matter is that the three-power peace is a stable equilibrium. It is like a ball balanced in the middle of a bowl. By any slight disturbance the ball may be tilted away from the equilibrium position. But the stable equilibrium configuration is such that any deviation from the equilibrium has the tendency to make the ball move back to the equilibrium position. In other words it has a built-in mechanism to correct deviations and so the equilibrium is stable (touch-won't-go). Disturbances and accidental happenings are always possible; any enduring peace must be such that it has a built-in mechanism to redress the deviations produced by the disturbances.

When one power becomes excessively strong, in a two-power world it makes him more aggressive and increases the danger of war; the equilibrium of the two-power balance is unstable. In a three-power world, it causes the other two to unite to keep him in check, to return to the original situation of equal-power balance; the equilibrium of three-power balance is thus stable. By the same reason no one power can become excessively weak either by external oppression or even by internal default. Once the world is tripartite, it remains tripartite. Meantime the world is blessed with a workable and stable peace.

The principles discussed here are obviously idealized. In practice there are always other complications. Our present world is not really tripartite. The super-powers sometimes are quite helpless even in dealings with the minor powers. Western Europe, India and Japan considerably complicate the dealings among the major powers. Nuclear weapons introduce new elements that affect the power relations. Yet there are unmistakable signs that the principles of three-power balance are operating. And it is well for all of us to recognize such principles in analyzing the complicated, subtle international relations that are up to now unfamiliar to the Western World.

Even in the period of the Three Kingdoms the actual history did not quite follow the script of the theory. Lord Kwan was advised to enter into alliance with Wu against the more formidable foe Wei to maintain the three-power balance, but he eventually warred with Wu and perished in it. There are always human mistakes. It is all the more important to recognize the nature of the three-power world so that no human folly will mar a promising prospect of world peace.

One basic condition for the principle of three-power balance to operate is that the three powers must be contending powers. There must be no intrinsically favorable or unfavorable relations between any two. Thus any two of them can enter into an alliance or become antagonistic at any time and can change from one relationship to the other when the situation calls for it. Only by the shifting of alliances from time to time is the tripartition perpetuated. Western Europe has too close a tie to America and thus is not

a contending power to fill the role of one of the three powers. Before the Sino-Russian break, the ideological bond of the Chinese and the Russians worked the same way. The three powers must be contending; they must engage in a love-hate triangle.

We finally analyze the n-power world. When the number of powers is large, one more or one less matters little and we may lump them together mathematically as one case. It is possible to maintain peace by balancing the powers. This was exactly what the British prime ministers were doing in the 19th century in maintaining peace in Europe (and in the world). Europe then was divided into many powers. Whenever one became over-powering, the British fought it down in a limited war to redress the imbalance, for example in the Crimean War. In the act of balancing, the British fought just about everybody and allied with everybody at different times. War was an instrument of acrobatics, like the highwire walker's bar, completely dissociated from friendship and morality. Indeed after the Napoleonic War, the 19th century in Europe was a century of peace, disregarding the police actions of the British.

Yet the balance of many powers is basically different from that of three powers. When the number of powers is large, opportunities of alliances abound. Each one tends to improve its own position by making proper alliances, and eventually the n powers are polarized into two antagonistic blocks. Once this is realized, two-power politics takes over; war and destruction become inevitable. Indeed this was what happened in Europe; the n powers of the 19th century gradually drifted into two opposing alliances and the instability of two-power politics set in. Peace became touch and go. Indeed the shot at Sarajevo ignited the holocaust of World War I. The acrobatic action of the British was simply not powerful enough to thwart the tendency of polarization into two antagonistic blocks, demonstrating that the n-power peace is a case of unstable equilibrium. The classic strategy of balance of power as practiced by British in the 19th century cannot be an instrument of enduring peace.

Western scholars well know that from the historical point of view international peace may be achieved by a universal empire (2nd century), or by a universal church (11th century) or by balance of power (19th century). The first two are impractical and our analysis shows that the last one is unstable. Yet we do find a case—the three-power balance—and this is the only case in which the rules of power politics work so that unwittingly the world is blessed with a workable and stable peace. This possibility was not well known in the West because it has no historical examples. The Western mind is baffled by the complexity and subtlety of the emerging three-power relations. Yet "The Story of Three Kingdoms" clearly tells us that the current three-power rivalry offers an unprecedented opportunity for world peace.

Having peace does not mean that we can retire to the rocking chair and forget about the world. Far from it. Three-power balance necessarily involves intense rivalry. Conspiracy and intrigue abound. Everyone tries to maneuver the other two into a head-on collision so that he can reap the final victory without firing a shot. The others are equally determined to stay out of such a foolish struggle. It would be a world of much ado for nothing.

The intense rivalry actually is quite desirable. It stimulates internal development and prevents degeneration and decay. The peace of a universal empire, such as that of the Roman Empire in the second century A.D., usually ends by internal degeneration and decay. The three-power rivalry unwittingly provides a built-in mechanism to keep everybody in shape. Indeed the period of the Three Kingdoms is one of the most illustrious in Chinese history, both in political maneuvering and in economic development.

The intensity of political activity then is reflected in the large repertoire of the Peking opera based on events or fictions in that period. Sinic culture originated in north China. In that period the southeastern and southwestern regions were rapidly developed under the auspices of Wu and Shu.

The intense political rivalry brought forth a galaxy of statesmen and generals unmatched in any other time. The maneuvers were taken as the basis to develop an assortment of classic paradigms of political strategy in "The Story of Three Kingdoms," and the book became the bible of political intrigue and conspiracy. I was told by a Thai student that "The Story of Three Kingdoms" is used as a textbook in Thailand schools, perhaps as a practical manual of political strategy. From a practical point of view, it is good to incorporate some of the necessities of life into formal schooling.

One of the leading heroes of the period is a prime minister of Shu by the name of Chu-Ke Kung-Ming. He was the Oriental counterpart of Solomon, his statesmanship recognized by historians and scholars. He was the first to recognize the incipient tripartition of the "world" and carved out a share for his group. He was the person who advised Lord Kwan to enter into alliance with Wu against Wei. In folklore, in fiction, in operas he became a demigod. He was so wise that he could calculate the future accurately on his fingers; he could even communicate with the supernatural. He was credited with the victory of the Battle of Redcliffs by invoking an east wind in a season when the prevailing wind was westerly. With it, so the story goes, the northern armada was destroyed by a surprise arson attack.

One story about him, according to "The Story of Three Kingdoms," illustrates an interesting point:

The development of the southwestern area meant the encroachment of civilization into the indigenous barbarians. In the process Kung-Ming encountered a barbarian chieftain, Meng Whou. He captured the chief but in an act of magnanimity released him. The barbarian was not expected to be grateful and rebelled again. This was within Kung-Ming's calculation, and he captured the chief the second time. And he released the chief the second time. And, according to the story, the third time, the fourth time . . . until the magic number of seven. After that the barbarian was thoroughly moved by the benevolence of the prime minister and became a faithful and obedient subject. Thus arose the classic paradigm of seven-capture and seven-release. It is a maneuver well suited to deal with barbarians in an attempt to civilize them. Sheer force is not enough. Conquering must be done by heart. A combination of threat and favor would do the trick.

Nearly 2,000 years later we saw the paradigm reenacted by Chinese again in the southwest region against an alien power. In the Sino-Indian conflict following the rebellion of Tibet against the People's Republic, the Chinese army entered the contested border area held by India. Then, suddenly, before the startled eyes of the world, the Chinese announced a unilateral, unconditional, voluntary retreat from the occupied area.

This is certainly startling to Americans. Americans pursue a war with all their moral burdens on their shoulders and all their emotional entanglements in their hearts. If you are moral enough to occupy an area it would be immoral to back out of it, say the Americans. And how do you account for the bloodshed for taking the area?

If this is startling to Americans it is not at all startling to school children in the Orient who enjoy reading "The Story of Three Kingdoms." To them it is clearly an exercise of the classic paradigm of seven-capture and seven-release. War is used as an instrument of political maneuver, detached from emotional considerations. (Isn't it that this is the way the British used their force in the 19th century Europe?) The story of Meng Whou is likely to be fictitious but the paradigm of political strategy is real. In this sense "The Story of Three Kingdoms" is more than a fiction, and, if read in the West, could go a long way in improving international understanding.

## SAUNDRA GRAHAM, A MIGHTY CANTABRIDGIAN

Mr. KENNEDY. Mr. President, when they have become history, the events occurring in periods of social unrest generally produce only unpleasant memories. It is not easy to point to successes or to change as a result of the furor caused by the turmoil. That is why I am pleased to place in the RECORD an account from the Boston Sunday Globe of the successful struggle being waged by a mighty Cantabridgian. Cambridge, Mass., is the home of Harvard University. It is also the home of Saundra Graham, newly elected to the Cambridge City Council last fall and an outstanding example of the results of "working through the system." Mrs. Graham's life has been that of a have not. That is, she did not have the credentials that Harvard epitomizes as necessary to gain control of community forces. But Mrs. Graham has an inexorable will, and exceptional organizing talents. Moreover, she has lived the life of those who are not listened to and she is determined to bring an end to that kind of discrimination.

After urging and guiding the university to awaken to the needs of poor residents in the Cambridge community, Mrs. Grahan. captured a seat on the city council last fall and is now bringing her considerable talent to bear on a myriad of city problems. I am pleased to see the progress of Mrs. Graham and I believe the article from the Boston Globe deserves the attention of this Senate. Accordingly, I ask unanimous consent to have printed in the RECORD, an article entitled "The Councilor from Riverside," written by Lucinda Smith, and published in the Boston Sunday Globe of May 14, 1972.

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

SAUNDRA GRAHAM OF CAMBRIDGE: THE COUNCILOR FROM RIVERSIDE

(By Lucinda Smith)

It was a beautiful June day in 1970. The sacred grass of Harvard Yard bent beneath the feet of 15,000 moms and pops and Nannas from Brooklyn and Grosse Pointe and Oskaloosa. The day of the 319th annual Harvard University Commencement had arrived.

"If only those rag-ridden demonstrators would get off the steps there," an irritated pop mumbles, "we'd be able to see something and get a look at what our money's been spent for."

Suddenly the rag-ridden contingent is standing up and shouting and the leader is grabbing the microphone and there is shuffling and someone hands the leader a bullhorn and she is screaming into it, and there is more confusion on the steps and the stage, and then someone has decided to let the leader use the microphone for two minutes.

Saundra Graham holds the microphone

firmly and speaks into it with clear, angry words. "You talk about oppressed people all over the world," (which one student had just done,) "we're oppressed people, right here in Cambridge, in the Riverside Community, Harvard's backyard. Harvard has come into the community and taken the housing that belongs to the residents. Harvard has forced low-income people out of their homes."

A few of the moms and pops scream out, "Go home!"

Mrs. Graham shouts back, "You go home! We've lived here longer than you'll ever be here!"

"Unbelievable," harrumphs a mom to her husband, letting him know that the golden day in Harvard Yard was not tainted.

Mrs. Graham mutters a triumphant "god damn" beneath her breath as she realizes the full force of the confrontation she had engineered and executed.

For Ms. Graham the day marked the beginning of a new career—the Riverside Community had surfaced in Cambridge as a forceful contingent to be reckoned with, and Saundra Graham had emerged as its leader.

She has remained a leader and is now (the Honorable) Councilor Graham, of Cambridge.

What could bring a short, chubby welfare mother, a round-faced, fiery, unemployed black woman, 28 years old and self-educated, poor and powerless, to center stage at the Harvard University Commencement?

"Think of a trapped rat," she says. "That's what I was feeling like and thinking about then. That's what I was, a rat trapped in a small area with this monster, Harvard, closing in and closing in."

The trapped rat image was shared by many of the Riverside residents, who had spent a decade watching their neighborhood change from a community of intimate families to a community of strangely bitter families and transient students.

As Harvard expanded in the 1960's it bought up land and homes to house the growing number of students. Poor families were forced out of the neighborhood by the economics of rising rents and by the demolition of houses in order to build apartment complexes.

In 1970 Ms. Graham headed the Riverside Planning Team, and, although she was well-versed in the tactics of community organizing, she was constantly thwarted in her efforts to make improvements in living conditions in Riverside.

In addition to the "crying need for housing," Ms. Graham remembers that "it'd be a month-long hassle to get the garbage collected around here." There were "broken promises" on the part of the Cambridge Housing Authority, and "blatant acts of racism" in the Welfare offices, she says. Police community relations, she recalls, were "so bad that people who did manage to keep their homes were afraid to step out of them at night."

All of these frustrations, but particularly the ubiquitous Harvard, brought Ms. Graham to Harvard Yard on the warm June day. "Open confrontation was the only alternative left, and I wasn't gonna let it go by untried. It worked."

The Harvard confrontation not only resulted in a University commitment to help find and supply new low-income housing in Riverside; it also thrust Ms. Graham into a political arena that she at once had learned about and used for the benefit of the long-ignored people of Riverside.

Familiar with political games in Cambridge, Ms. Graham was well-equipped to accept the burdens and the blessings of leadership. She felt that she'd been victimized by the politics of "old timers" and "old games" in Cambridge, and she was ready to turn the tables on how the city resources were distributed.

"There has always been so much hostility in Cambridge," she says, "and there's no need for it. Politicians have been running Cambridge for their own advances and interests, not for the interests of people who need help. You have to have a city government that's accountable to the people. You have to have politicians that respond to you, not politicians that ignore you. You have to use the resources of the city to help people, not destroy them."

In November 1971 Ms. Graham ran for a seat on the Cambridge City Council. She placed fifth in the 36-man race, and took a majority of the black vote, the young vote, and the white liberal vote.

Ms. Graham's platform during the election emphasized housing as the highest municipal priority. She called for reassessment of all property in Cambridge, and "taxation of the universities on all properties not used physically for education." She called for the appointment of a police commissioner who would be accountable to the committee of Cambridge residents and elected officials. She promised to vote for city-wide rent control, and for the ouster of Cambridge City Manager John Corcoran and School Superintendent Frank Frisoli, both of whom she believed to be "political appointments of nonqualified individuals." She was backed by the powerful Cambridge Civic Association, which had become a vital liberalizing force in Cambridge politics.

Ms. Graham sees herself as "a political person now. They say I'm a 'new breed' of politician. I'm about change, and if that's being a new breed, then that's what I am."

"We can bring change within the system we have," she believes. "It's a democratic system, and political people are supposed to represent the people who elect them and reflect in their decisions the needs of the people. If the need is housing, then the government has to provide housing. If the need is for better education, then the government has to use its money on education."

She continues, "We have the money in this city (in this country) to meet all the basic needs of people. I mean basic needs like housing and food; these are the things the government hasn't been providing. For too long politicians have been using the resources of government for their own interests or for special interests, like the interests of banks or universities."

"We've got to change the distribution of resources, and that's what I'm all about. For example, take the council committee that I'm chairman of—Housing and Land Development. We're a policy-making committee, and we have the power to enforce the policies we decide on. One thing that's coming up is to set a policy of strict housing and building code enforcement. The code has never been enforced, to my knowledge. But we've got to make landlords keep up their properties so that living conditions are bearable. Conditions have been pretty atrocious in Cambridge for a long time. Maybe we'll slap a big fine on the property-owner who doesn't keep his buildings up to the code standards. Maybe the threat of taking away property or something like that would work. I don't know how it will end up in committee, but there is going to be a change and there are going to be good housing conditions in Cambridge."

"The system of government, when resources are not evenly distributed, makes you a hateful, angry person. Nobody should have to be without basic commodities in this country. Nobody should have to be a have-not. That's what I'm about—redistributing the resources so that the have-nots start to have the things they need."

Saundra Graham's life was the life of a have-not. Born Saundra Postel, she grew up in a four-room apartment at 27 Magee street in Riverside, where the two-story brown house still sits. The full-leafed tree that she used to climb and hide in now stands barren.

Across the street from Saundra's house, where the Putnam Gardens Housing Project now stands, there used to be a green field and a barn and an old farmer who tended to his horses. Saundra and her friends used to like to scare the horses, who were old and slow, and they liked to watch their friend the farmer chase after his two mares.

Saundra lived on the first floor of the two-family home on Magee Street with her mother and brothers. Her grandmother lived in the apartment upstairs, where her younger sister, Marlene, stayed most of the time.

Saundra was close to her brothers, Donnie (whom she called "Boopa") and Charles, who were older, and Val, who was younger. She met the boys on equal grounds, and learned to use her girlhood only when she wanted one of her brothers to do something special for her, she remembers.

"Saundra had a mind of her own and she'd never let me or anybody else tell her how to do things," her mother recalls. "She was always gettin' into somethin' and tellin' me about it after it was all over and done with."

Ms. Graham grew up in a neighborhood of long-time friends, each knowing who lived in which house with which children, "and so no matter what you did somebody would always be there to scold you for your mother or threaten to tell her about it or know what to do with you if there was trouble," she says.

Riverside was an integrated community, with many poor and middle class black, Greek, Italian, Irish, and Puerto Rican families. "The parents used to sit on the porches and neighbors would come down and join them and maybe we'd all have a beer outside in the summertime," Saundra's mother, Mrs. Robert Headly, remembers. "It was a warm place to live, and a friendly place, and we all knew each other so good. There wasn't any crime like drugs that there is now, and we all got on together like a family kind of, and we'd take care of each other—like sometimes I wouldn't know where the children's next meal would come from but somehow the neighbors would help out."

"We all knew the policeman who walked the beat here and he probably had the easiest job on the force, with us lookin' out for each other and all the kids so much."

Ms. Headly worked at many different jobs—in stores or factories or in the homes of wealthy people. Her husband was rarely home, and Saundra remembers "the arguing and the drinking and the bad times" she "overheard" when her parents were together. "It could be pretty brutal, and I always knew I didn't want that," Ms. Graham says. Her mother believes "Saundra probably made up her mind when she was real young that when she got older she wouldn't have to struggle and have the hard time of it that I had."

As a schoolgirl, Ms. Graham attended the Houghton School (now the Martin Luther King School), on Putnam Avenue, and spent most of her time at the Cambridge Community Center on Callendar Street. The center, at that time, was a marathon of activities for community people at all ages, and its director, Ringe Jefferson (now with the Department of Youth Services), remember that "Saundra could be your best ally or your downfall—she was a leader who stood apart from the group because of her determination and independence."

The community center sponsored activities in sports, arts and crafts, music, dancing, sewing, cooking, carpentry, and just about anything that a resident could come up with. "It was a center that really belonged to the community," Jefferson says. "Everybody participated in one way or another" in the design, implementation or evaluation of various programs.

Ms. Graham remembers that the "center had everything. It was the place we all went to all the time, even when we weren't supposed to." The "we all" in her life was a

closely knit group of girlfriends, who formed a club and called themselves "the Flamingos," and two groups of male counterparts, "the Mohawks" and "the Panthers." The groups "did everything together" according to Ms. Graham and Judy Carr, a close friend, who, like most of the dozen Flamingos, still lives in Riverside.

Jefferson recalls the many times he would have to chase the girls out of the center because they were too young to be inside after a given hour. "Saundra's favorite cat-and-mouse game" he remembers, was to run in the ladies room through one of the two doors, and wait until "Jeff" had to come inside to chase her out. At that point she would exit through the other door, and sometimes come back in the original door to tease him about being in the girls' room.

Ms. Graham was a sports lover, who starred as the shortest and fastest forward on the girls' basketball team. The team would play other schools in the Boston area on Saturdays and would often compete in special tournaments against teams from Providence, Cleveland, New York, or other cities.

At the age of 13 Ms. Graham started working to earn money. In the summers, which she would spend with her father's family in Springfield, she was employed as a tobacco picker. She would get up at 5 a.m. every morning and take the 6 a.m. bus to "some god forsaken tobacco farm somewhere in Connecticut," where she remembers "I'd be bent over all day long picking tobacco for something like 50 cents a day."

She also tried to work parttime in the Cambridge area during the school year "anywhere for a few hours" to earn money to buy clothes for herself. She wore "skirts and sweaters and loafers" during her teen years because "that's what everybody wore and you couldn't be different and I had to buy the clothes for myself most of the time because my mother just didn't have the money."

When she was 16 Ms. Graham began to have interests outside of school and the community center. A young man from Roxbury, Carl Graham, became her chief interest, and she married him when she was 17 in the Western Ave. Baptist Church in Riverside. The Grahams moved to Roxbury right after their wedding, and a few years later they moved to Dorchester.

All of their children were born in Boston during their eight years of marriage, which ended in divorce "because it had to; it was bad," Ms. Graham recalls. "The marriage killed me. It was a dead period in my life. We were both working all the time, one in the day the other at night, so someone could stay with the kids. It was a terrible way to live, I felt—all your energies are taken up with earning money and doing chores, and there was always the bickering and the fighting."

"I couldn't stand the dominance of a man over me. I'd never been dominated before and I couldn't take it. I felt like a piece of furniture and I knew my brain was being deadened. The frustrations grew and then we reached the constant arguing stage, and I'd seen that in my own home and I wanted no part of it."

Her husband left, and Mrs. Graham stayed with her five children in Dorchester, spending nearly all of her free time looking for a place to live in Riverside. "I couldn't stand Boston—Roxbury or Dorchester. There was no sense of community there, and people were very cold. They didn't care about neighbors and I wasn't used to that. I was lonely a lot. I knew I had to get out of Boston. I knew I had to get back to Riverside."

In 1963 Ms. Graham found a home in Riverside. "It was a roach-infested rathole, but it was the only thing I could get. I kept trying to get into the housing project, and after I found a little bit better rathole on Howard Street, I finally got into the project," Putnam Gardens, where she still lives.

Although she was on welfare and financially struggling, Ms. Graham recalls the years of her first return to Riverside as "times of feeling free. The divorce made me feel like the world had been lifted off my shoulders. Finally I had time to think and read and rest, and make decisions about my life." She read the works of many black sociological authors, as well as the writings of Marx and Marcuse and other political philosophers.

Then some of Ms. Graham's friends came to her to ask that she run for president of the Riverside Planning Team. At first she refused, thinking "it takes up too much time and it's politically frustrating and I need time for myself and my children." But community support for her increased, and she finally accepted the bid to run and won "by a landslide" her friends recall.

Her first objective as president was to determine the needs of the people in Riverside. "Everywhere," she says, "the crying need was for housing." She began the long road to trying to find agencies, officials, and other resources to help the community. But proper business meetings didn't work, telephone calls, petitions, and political talks didn't work. The last alternative, she decided, was confrontation politics, and on a warm June day in 1970, Saundra Graham finally found people listening to her, and responding to the deepening problems in Riverside.

Between June 1970 and now, Ms. Graham has grown more political and more committed to the idea that change will come when it is demanded, or when people in power respond to the powerless.

By this time Ms. Graham was also getting involved in the problems of the Riverside neighborhood, and she spent "all my efforts for a while" securing funds for building day care facilities in the community. She was also working with community people to "get the center back on its feet again so that it could be as active as it was when I was young." (Structural deterioration and the departing of Jefferson had left the community center "unattractive and unorganized and unused," Ms. Graham says.) "We were all trying to do something to get it going again, but there were lots of obstacles, including money and administrative problems."

These efforts to help the community center were germane to the politicalization of Saundra Graham, and they came on the heels of efforts to deal with school problems in Riverside. "I knew there was racism in the schools," she said, "but it came home to me that I had to do something about it when my son came home from school one day completely upset and confused because of teasing he'd gotten about his afro haircut." She adds, "there were ongoing problems about kids after school. Since the center was going bad, the kids had no place to go but to the streets and nothing to do but make trouble. And this came at a time when the neighborhood people were all mixed up about housing and everything else."

As a city councilor, Ms. Graham earns $6500 a year. She spends most of her time now responding to her constituents when they call or visit her. She says she would like to see confrontation politics become a thing of the past "because when you look at what goes on before it you know that a person shouldn't have to be forced into something like that. There's no need for it."

Sitting in a coffee shop in Central Square recently, Ms. Graham looked up from her bowl of soup and saw a teenage boy meandering around her table, half looking out the window at the traffic, and half watching her.

"Hey, what are you doing, Sonny?" she asked him.

"Nothing," said the boy.

"Why aren't you in school? You're not graduated yet, are you?"

"No, but I'll graduate soon. I'm lookin' for a job."

"What kind of job do you want? What skills do you have, or what skills do you want to learn?"

The boy, whose pale blue cap is falling from his head as he looks at the street through the curtained restaurant window, answers, "I don't got skills."

Ms. Graham pauses and takes a sip of soup. "Well, listen, Sonny, you better do some thinking and some deciding about it because skills aren't gonna just come to you. You gotta make arrangements and you gotta know a little about what you want and what you're good at."

"I know. I'll get around to it."

"Get around to it now, Sonny," she snaps. "Ain't nobody gonna get around to it for you. You got a brain, just use it."

The boy straightens his cap and looks at the city councilor. "Okay, okay," he says, walking away from the window.

"Okay. I'm gonna be checking around about it, and I don't want to hear anybody tell me you're not in school and not getting work. Hear?"

"Yeh." He leaves the restaurant and stops at the window outside to look in at Ms. Graham. He watches her until she looks up at him. Then he vaguely smiles and walks away.

## SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS

Mr. BEALL. Mr. President, the conduct of our foreign affairs generates a great deal of public interest and discussion. There are those who say that our policies are never wrong, and then there are those who say that they are always wrong. But in almost every case, the challenges and decisions that surround our foreign policy demand wise men who can make the difficult judgments inherent in the formulation of an effective and viable foreign policy for this Nation. Our distinguished minority leader, Senator HUGH SCOTT, is such a man.

Senator SCOTT has adopted a centrist philosophy—one which recognizes both our strengths and our weaknesses. He feels that the President deserves support for his foreign policy objectives, yet he is not afraid to indicate that there are limits to such Presidential power. As a member of the Committee on Foreign Relations, he is clearly an advocate of the doctrine which states that the United States should help other nations to help themselves. In order for others to examine his record, I ask unanimous consent that it be printed in the RECORD.

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

FOREIGN AFFAIRS

THE 92D CONGRESS

*Legislation*

S. 32—To establish a comprehensive program for the conversion of the Nation's scientific talents and resources from defense-related activities to civilian-related activities.

S. 2023—To provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 3182—A bill to implement the Convention on the Prevention and Punishment of the Crime of Genocide.

S. Res. 177—Calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East.

S. Res. 272 (cosponsored)—A Resolution expressing the sense of the Senate relating to the support of Radio Free Europe and Radio Liberty.

S. Con. Res. 33—Regarding persecution of Jews and other minorities in Russia.

*Votes*

Voted on Conference Report authorizing funds for grants to Radio Free Europe and Radio Liberty for fiscal year 1972.

Voted for amendment requiring the President to "seek renewed methods of international cooperation" in combatting heroin and other illegal narcotic drug traffic and to make regular reports to Congress.

Voted for amendment calling for President to take all possible means through international cooperation to reduce illegal importation of heroin and other narcotic drugs into the U.S.

Recorded in favor of the Convention for suppression of unlawful seizure (hijacking of aircraft).

THE 91ST CONGRESS

*Legislation*

S. Res. 415—To express the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East.

S. 2846—To authorize the Secretary of State to participate in development of a prototype desalting plant in Israel under the Foreign Assistance Act.

*Votes*

Voted to ratify the Nuclear Non-Proliferation Treaty denying the possession of nuclear weapons to nations who now do not have them.

Voted to declare that U.S. diplomatic recognition of foreign governments does not mean U.S. approval of those governments.

Voted to authorize $80 million to encourage Vietnamese land reform programs.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted for sense of Senate favoring mutual suspension of further deployment of Strategic Weapons Systems by U.S.S.R. and United States.

Voted to provide that no appropriated funds be spent to transport chemical munitions from Okinawa to United States and to authorize their detoxification only outside the United States.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulation of the Armed Forces of the United States.

THE 90TH CONGRESS

*Legislation*

S. 2391—To establish a National Visitor Center in the District of Columbia.

*Votes*

Voted to ratify the Consular Convention with the Soviet Union.

Voted to ratify the Treaty on Outer Space.

Voted to establish a joint congressional committee to review U.S. foreign policy goals and its foreign assistance program in relation to that policy.

THE 89TH CONGRESS

*Legislation*

S. 1992—To establish a Peace by Investment Corporation to give financial aid to underdeveloped countries (and firms giving such aid) for the expansion of industrial and agricultural activity and to establish an insurance system to protect investments made by firms who give such aid to underdeveloped countries.

*Votes*

Voted to condemn the Soviet persecution of Jews.

Voted to authorize increased foreign assistance through use of international lending organizations.

Voted to bar foreign assistance to the United Arab Republic so long as it committed aggression.

THE 88TH CONGRESS

*Legislation*

S. 15—To establish a National Academy of Foreign Affairs as a graduate level institution to train professional personnel of Government agencies.

S. Con. Res. 15—To request the President to express the concern of the American people on behalf of the peoples of Lithuania, Estonia and Latvia.

S. Con. Res. 21—To express U.S. determination with respect to general disarmament and arms control.

S. Res. 148—To express the sense of the Senate in favor of banning all nuclear tests that contaminate the atmosphere or oceans.

S. 1376—To refuse aid to any nation which will be able to use it to further its military aggression.

S. Con. Res. 99—To express the sense of the Congress that the United Nations provide for the self-determination for the Baltic States.

*Votes*

Voted to ratify the Nuclear Test Ban Treaty.

Voted to deny asistance to any country which the President determined to be engaged in or preparing for aggressive military efforts against the United States or any country receiving assistance under this or any other act, or any country to which sales were made under the Food for Peace Act.

Voted to establish an Advisory Committee on Private Enterprise in Foreign Aid.

Voted to provide for appointment by the President of a committee to review, evaluate, and make recommendations respecting foreign aid programs.

THE 87TH CONGRESS

*Legislation*

S. Res. 393—To express the sense of the Senate in favor of a Western Hemisphere military alliance.

*Votes*

Voted to bar aid to Communist-controlled nations in arrears in their United Nations payments.

Voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Voted to establish a comprehensive 10-year program of oceanographic research and surveys.

Voted to prohibit assistance to Communist dominated countries.

Voted to provide that no assistance could be furnished any country unless the President had determined that such country was not dominated by Communism.

Voted to prohibit aid to any country which exported to Communist-bloc nations arms, munitions and items used in the production of implements of war.

Voted to prohibit aid to any nation more than two years in arrears in payments of assessments and/or contributions to the United Nations, unless the President determined that said government had given reasonable assurance of paying.

Voted *against* reducing the fiscal year 1962 Peace Corps authorization from $40 million to $25 million.

Voted to express the sense of Congress against the seating of Communist China in the United Nations.

THE 86TH CONGRESS

*Legislation*

S. 50—To provide for admission of Hawaii into the Union.

S.J. Res. 208—To provide for a commission to study and report on influence of foreign trade upon business and industrial expansion in the U.S.

*Votes*

Voted for the Mutual Security Act of 1969.

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## ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE

Mr. SCOTT. Mr. President, the Philadelphia Inquirer in one brief editorial has summed up the reaction of most Americans to the attempted assassination of Governor Wallace:

The nation cannot endure, nor can freedom flourish, in a climate of violence that seeks to substitute bullets for ballots.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

THE ATTACK ON GOVERNOR WALLACE: A CRIME AGAINST AMERICA

The gunfire that cut down Gov. George C. Wallace in Maryland Monday struck the heart of American democracy.

This despicable act against a candidate for the nation's highest office is a personal attack on all of us, irrespective of party or political ideology, who believe in representative government.

It is a tragedy, in the most solemn sense of the word, for the United States as a country and a people. More than that, it is a challenge to the fabric of our society and to the most fundamental principles of our electoral system.

The nation cannot endure, nor can freedom flourish, in a climate of violence that seeks to substitute bullets for ballots.

President Nixon spoke for America when he deplored this "senseless and tragic incident" and said the nation has suffered "more than enough already from the intrusion of violence into its political processes." His condemnation of this ugly brand of violence as a "vicious threat to our public life" gives voice to the thoughts of rational persons everywhere. His appeal to all Americans to "stand together" and "not permit the shadow of violence to fall over our country again" must be not only heeded but implemented.

Mr. Nixon's orders tightening and broadening security arrangements for persons in public life are fully warranted but can be considered only initial steps. The long record of assassinations and attempted assassinations in America, now lengthened by another grim chapter, requires extensive reexamination of protective and preventive measures.

But a free and open society must be nourished by free and open communication between government officials and private citizens between aspirants for public office and the public they seek to serve. Democracy as we know it in America cannot survive behind endless shields of armor and bullet-proof glass.

And diversity of opinion is the essence of democracy. The views of Gov. Wallace are vigorously opposed by many of us, but his right to express them and to seek public support in behalf of his Presidential candidacy must be inviolate if democratic processes are to have meaning and purpose.

The shooting of Mr. Wallace evokes especially poignant sadness in Pennsylvania, where he recently campaigned, and at The Inquirer, where he was interviewed shortly before the primary in this state. One does not have to be in agreement with a candidate to be outraged by an attempt to silence him. In President Nixon's words, we must

indeed "stand together" in eradicating the forces of violence, wherever on the political spectrum their targets may be.

An attack on any candidate is an attack on all of us. If there is any issue on which America can be united, it should be in universal grief that violence has intruded in our political process so soon again.

## COOPERATIVE LEAGUE SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there continues to be widespread support for the Treaty for the Prevention and Punishment of Genocide. Recently I received a very fine letter from Mr. Stanley Dreyer, president of the Cooperative League of the U.S.A. The league represents a national federation of cooperatives throughout our country and includes concerned citizens from America's urban and rural areas. Indeed, this endorsement of the Genocide Convention comes from the very heart of our Nation.

In his letter, Mr. Dreyer most eloquently argues for immediate U.S. ratification of the humanitarian treaty on genocide. Mr. Dreyer wrote as follows:

Although it is not related to any recent movement or progress in the matter of the Genocide Treaty long pending before the Senate, I want to tell you of our support for you in your persistent and thankless efforts to get the treaty ratified.

The Cooperative League, representing a considerable body of public opinion both urban and rural, has been with you in spirit throughout this period of inactivity and we stand ready to do what we can to generate greater awareness of why action is long overdue and greatly needed in this matter.

We realize that it has been the specific opposition of the American Bar Association that has kept ratification of the Genocide Treaty in limbo for so long. We find unconvincing the legalistic reasoning which they advance.

As you have pointed out repeatedly, many other members of the United Nations have long since ratified the treaty and it is embarrassing to thoughtful citizens that our country has dilly-dallied here for so many years despite the proud idealism informing our foreign policy throughout American history.

There is a symbolic importance to our acting on the treaty that shrinks into insignificance the petty objections to which the Senate has listened far too long.

## SENATOR HUGH SCOTT: A LEADER IN THE FIELD OF TRANSPORTATION

Mr. PEARSON. Mr. President, the need for a balanced transportation system is as great as ever. Urban mass transportation has been given new emphasis by the Congress and the administration. Interstate railroad passenger service has improved with the creation of a Government-controlled corporation. Support facilities are being expanded and existing interstate highways are near completion.

Senate Republican Leader HUGH SCOTT's support for better transportation has been evident throughout his years in Congress. As a longtime member of the Committee on Commerce and its Subcommittee on Surface Transportation, Senator SCOTT has emphasized the need for a more streamlined system. I ask unanimous consent that his legislative record be printed in the RECORD.

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

FIELD OF TRANSPORTATION

THE 92D CONGRESS

*Legislation*

S. 2733—To designate certain segments of the interstate system as the "Dwight D. Eisenhower Highway."

*Votes*

Voted for regulation of public exposure to sonic booms.

Recorded in favor of the Convention for suppression of unlawful seizure (hijacking of aircraft).

Voted for an amendment to make available for urban mass transportation facilities certain revenues from Federal alcohol taxes.

THE 91ST CONGRESS

*Legislation*

S. 961—To provide Federal jurisdiction and uniform law for cases arising from aviation and space activities.

S. 1070—To establish a Commission on Air Traffic Control.

S. 1179—To authorize the Civil Aeronautics Board to extend half-price airfares on a standby basis during off-peak hours to young people, elderly people, military personnel and the handicapped.

S. 2050—Airways Safety Development Act—To authorize the Secretary of Transportation to use amounts in the Airways Safety Trust Fund for acquiring and improving air navigation facilities; to establish such an Airways Safety Trust Fund.

S. 2518—To authorize funds for the reduction or elimination of hazards at rail highway grade crossings along the Metroliner route.

S. 2939—Intercity Rail Passenger Service Act—to authorize the Secretary of Transportation to purchase and rehabilitate or to buy new, equipment on railroad common carriers where railroad is unable to provide this equipment.

*Votes*

Voted to provide long-term financing for transportation programs.

Voted for the Airport and Airway Development Act of 1969.

Voted for the Rail Passenger Service Act of 1970.

Voted to exempt from tax air transportation financed by States or local governments.

Voted for amendment to Merchant Marine Act of 1936 to grant the St. Lawrence Seaway Development Corporation forgiveness of accrued and unpaid interest and future interest.

Voted for Federal Highway Act of 1970 allocating additional appropriations for the Interstate Highway System.

Voted for regulation of public exposure to sonic booms.

Voted for temporary prohibition of strikes or lockouts in railway labor-management dispute.

Voted for Emergency Rail Services Act of 1970 providing that the ICC can guarantee the purchase of certificates upon finding that certain conditions are met of those railroads undergoing reorganization under Section 77 of the Bankruptcy Act and may apply to the Interstate Commerce Commission for the guarantee or purchase of certificates.

THE 90TH CONGRESS

*Votes*

Voted against reducing funds for airport facilities and equipment from $65.4 million to $28.4 million.

THE 89TH CONGRESS

*Legislation*

S. 1588—To authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation.

*Votes*

Voted for the Federal-Aid Highway Act of 1966.

Voted against reducing authorizations for each of fiscal years 1968 and 1969 from $225 to $150 million, for urban mass transportation.

THE 88TH CONGRESS

*Legislation*

S. 6.—To provide assistance for development of mass transportation systems in metropolitan and other urban areas.

S. 2796—To authorize the Interstate Commerce Commission to enter into cooperative agreements with the State to enforce State and Federal economic and safety laws and regulations relating to highway transportation.

*Votes*

Voted for the Urban Transportation Act of 1963.

Voted *not* to reduce by one-third the authorization for airport grant appropriations.

THE 87TH CONGRESS

*Legislation*

S. 2392—To prohibit forceful seizure of aircraft in air commerce.

S. 3122—To encourage formation of regional agencies to develop plans for meeting urban transportation needs.

THE 86TH CONGRESS

*Legislation*

S. 423—To provide additional highway construction funds in labor surplus areas.

*Votes*

Voted for the Federal Airport Act Amendments of 1959.

Voted for the Federal-Aid Highway Act of 1959.

Voted for the Federal Highway Act of 1960.

## U.S. BLACK DIPLOMATS AND SOUTH AFRICA'S APARTHEID POLICIES

Mr. JAVITS. Mr. President, following a very perceptive article by James Michener on the state of United States-South African relations which appeared in the New York Times Magazine on January 23 of this year, I wrote to Secretary of State William Rogers urging the adoption of Mr. Michener's suggestion that a high level black American diplomat be assigned to our Embassy in South Africa.

On February 10, the Department of State replied that the assignment of such a black American diplomat "is in fact receiving our active and most serious consideration."

On April 24, I wrote the Department of State again to inquire as to what progress had been made in making this assignment and to reiterate my strong feelings that the United States should in no way, expressly or implied, abet the unbelievable apartheid (racial segregation) policies now being followed as government policy in South Africa. The continued refusal to assign a black diplomat to our Embassy in Pretoria solely because of his race would be such a concession.

I recently received another letter from the Department of State assuring me that—

The Department is moving forward. There is no willingness or desire to make concessions to apartheid which all of us abhor.

The letter also gives the names and describes the duties of three black American officers who "have been performing special TDY or other duties in and out of South Africa for some time now."

I ask unanimous consent that the complete texts of the aforementioned letters be printed in the RECORD at this point.

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

JANUARY 25, 1972.

Hon. WILLIAM ROGERS,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

DEAR BILL: In this Sunday's New York Times Magazine (January 23, 1972), there was a most balanced and perceptive article on South Africa by James A. Michener entitled, *The Five Warring Tribes of South Africa.*

The article closes by making recommendations as to U.S. policy including that a social or business boycott would be foolish, that non-governmental organizations such as American churches should be encouraged to maintain and strengthen their ties with their counterparts in South Africa, that it would be a mistake to expel South Africa from the United Nations and closes on the following intriguing suggestion:

"Finally, I think it is about time that the United States send a black diplomat to our Embassy in Pretoria, perhaps not an Ambassador but certainly a high ranking official. The assignment would be most difficult, especially for the wife, but the man would be making a major contribution. I know we have black diplomats capable of handling the job intellectually, and I believe that among them are some who would accept the social challenge. Such a man and his family, giving daily proof of our national attitude, would be of inestimable value, for the gesture would fortify those South Africans who want to see the inhumanity of petty apartheid ended."

I believe that this suggestion is worthy of your serious consideration and would appreciate your thoughts on the matter.

With warm regards,
Sincerely,

JACOB K. JAVITS.

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FEBRUARY 10, 1972.

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: Secretary Rogers has asked me to respond to your letter of January 25 in which you applaud a recent article by James Michener.

We share your view that this was a balanced and perceptive article and especially welcome its positive recommendations. These recommendations very much coincide with our policy of communication with all elements in South Africa. We believe this policy can make a significant contribution to pressures for correction of the unjust situation in which the majority of the people find themselves in that troubled land.

In connection with his final recommendation about the assignment of a senior black American diplomat, I am pleased to quote from our January 11, 1972 "Foreign Affairs Manual Circular" on non-discriminatory policy.

"1. It is the policy of the Department of State, A.I.D. and USIA to provide equal opportunity in employment without regard to race, color, religion, sex, or national origin. Each agency has sought to make this policy effective by maintaining an affirmative action program, i.e., enlarging recruiting areas to include women and minority members and emphasizing training and placement to enable employees to compete on more equal terms.

"2. Consonant with this policy, assignments to all positions in each agency, domestic and overseas, are made without consideration of the race, color, religion, sex, or national origin of the employee concerned. No post in the field and no office in State, A.I.D., or USIA can refuse the assignment of an employee on the basis of race, color, religion, sex, or national origin.

"3. Action will be taken against any post, office, or individuals who violate the policy in this circular."

This statement, while a reaffirmation of earlier statements, is designed to make thoroughly clear the U.S. policy on this matter. All governments with whom we have relations are being informed of the policy.

The question of the assignment of a black officer to South Africa obviously poses special problems for the officer concerned. While recognizing these difficulties, such an assignment is in fact receiving our active and most serious consideration. We appreciate your thoughts in this connection.

Sincerely,

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

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APRIL 24, 1972.

Hon. DAVID ABSHIRE,
*Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.*

DEAR DAVID: As you know I wrote to Secretary Rogers on January 25 of this year suggesting that a black diplomat be sent to our Embassy in Pretoria, South Africa.

In your reply of February 10, you noted that the question of the assignment of a black officer to South Africa "is in fact receiving our active and most serious consideration." Could you please inform me as to what progress has been made in the more than two months that have now passed?

As you know, I feel strongly that the United States should in no way make any concession to the unbelievable apartheid policies of racial segregation now being followed as Government policy in South Africa. The continued refusal to assign a black diplomat to our Embassy in Pretoria solely because of his race would be such a concession.

With warm regards,
Sincerely,

JACOB K. JAVITS.

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DEPARTMENT OF STATE,
*Washington, D.C., May 9, 1972.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: Thank you for your recent letter requesting a progress report on the assignment of a black American officer to our Embassy in South Africa.

As explained in our 10 February 1972 letter Department policy now insures that an officer's race will not prevent him from being considered for such an assignment. We will make the assignment routinely and have no plans to try to exploit or capitalize on the appointment. We believe everyone's purposes would best be served when the officer finally selected has actually taken up his duties and is on the job. We will *not* wait until that time, however, to inform you of our action. Beyond the fact that assignment determinations are proceeding, we have nothing further to report at this time.

Meanwhile, you may be interested to know that black American officers have been performing special TDY or other duties in and out of South Africa for some time now. Frenise Logan, Director, Southern African Affairs for CU, spent one month in South Africa last September carrying on consultations with the Ministry of Education and visiting all universities in connection with the short term American grantee program. Amos Jones, a regular diplomatic courier assigned to Frankfurt, made his first trip as a diplomatic courier April 9 and carried out his complete responsibilities without incident. He was selected for the South African run solely because his name was reached on the courier duty roster for that run. Mal Whitfield, USIA Youth and Sports Officer, has just completed a three weeks training program in South Africa also without incident. Ollie Ellison, FSO–4, Country Officer for Botswana, Lesotho, and Swaziland, is now on an orientation tour of these countries and will be making a visit to South Africa to study interrelationships of all members of the Rand Currency zone.

The Department is moving forward. There is no willingness or desire to make concessions to apartheid which all of us abhor.

If I can be of further service, please do not hesitate to contact me.

Sincerely,

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

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## THE LEGACY OF THE VIETNAM WAR

Mr. KENNEDY. Mr. President, the Vietnam tragedy rages on as governments and negotiators—on both sides—posture and bicker and threaten, and as our Government continues to escalate the air war over Indochina, contributing to a regional crisis of people which grows with each new day of war in Vietnam, Laos, and Cambodia.

If this senseless war ever ends, its legacy will not be peace, but broken lives of millions of people and devastated nations crying out for help. Over a million refugees are on the move today in Vietnam, joining the already staggering total of 6,000,000 refugees displaced by the war. Countless thousands of civilians are falling victim to the latest offensive and more children and women will die in another bombing sortie.

Just how tragic is this legacy of a decade of American involvement in Vietnam? An outstanding series of articles by George C. Wilson, published this week by the Washington Post, clearly documents what he rightly calls "the human flotsam of war." These articles underscore once again that what is happening in Vietnam today shows that Vietnamization is not a plan for building peace, but a plan for continuing war. It finally underscores the failure of the administration's policy in Southeast Asia—and the cosmetic approach our Government has used in defining security in Vietnam and success in pacification.

And so the tragedy in Vietnam today is not happening simply because the North Vietnamese have launched a new offensive—which they have, rather, to quote a 1970 report of the Subcommittee on Refugees, it is fundamentally because the Thieu government has not had "the capacity or the will to really serve the people and to sustain peace."

If we can try to suggest what we have to do at this point of time, the first need is to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. In the meantime, we should be planning a program for what our great Nation can do, in concert with other nations, to insure a rebuilding process for the people who have suffered so much in so many ways, throughout Indochina.

Mr. President, just how great this rebuilding process will be—which is the real legacy of the Vietnam war—is sug-

gested in the articles published in the Washington Post. 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:

[First of a series]

RED BEACH—THE HUMAN FLOTSAM OF WAR

(By George C. Wilson)

DANANG.—The hamlet chief welcomed us into his home on Red Beach and then pulled out two pieces of paper that identified him as one of those special casualties of the Vietnam war.

"At about 8:30 a.m. on the 8th of September 1968," he had written in the form supplied by the American government, "my daughter, Vo Thi Duc, was helping my wife, Nguyen Thi Lang pulling fishing net from the water of Ha Khe beach. Suddenly, a U.S. airplane fell from the sky into the water. One piece of that airplane the size of a desk hit my daughter and carried her away twenty yards, injuring her and kill her on the spot."

The second piece of paper was the U.S. government's reply to Hamlet Chief Vo Dong's claim for $1,250 to compensate him for the life of his 12-year-old daughter:

"The Foreign Claims Commission has carefully examined all of the available evidence pertaining to your claims," wrote Army Major Leonard G. Crowley. "The commission has determined that the incident arose out of combat activities engaged in by the United States aircraft involved. Under the laws and regulations governing this commission, combat related claims are not compensable."

The chief asked us to explain that line, "combat related claims are not compensable," because we were Americans who should understand. "Couldn't your government at least pay for my daughter's funeral? I asked for 500,000 piasters—is that so much money to you? My own government told me it was not their plane. I rode my bicycle to Danang about 30 times about this matter. Who is responsible?"

It seemed empty to tell the stricken father, as he brought out pictures of his daughter and other correspondence, that the war was responsible. And it was ironic that the hamlet chief was interviewing us, not we him, on that historic landmark of American involvement in the Vietnam War, Red Beach.

Red Beach is the place the first American ground combat troops entered the war. On March 8, 1965, Marines started wading ashore with the announced mission of protecting the Danang airfield. Later they were ordered to pacify the countryside in this northern area of Vietnam, now designated Military Region One.

Looking back on the Marines' accomplishments in Vietnam in 1965 and 1966, former First Division commander, Maj. Gen. Herman Nickerson Jr., once said: "Not only has this division defeated a Communist insurgent, it also has contributed to the pacification of a land torn asunder."

Today, Red Beach itself mocks those words and others like it. The U.S. and South Vietnamese governments, to cite one more example of official rhetoric, said in their joint declaration of Honolulu on Feb. 8, 1966, that "it is a military war, a war for the hearts of our people. We cannot win one without winning the other. But the war for the hearts of the people is more than a military tactic. It is a moral principle . . ."

Not far from where the Marines landed, people are now piled up like so much driftwood on the beach in houses made of the flotsam of the American military presence—Budweiser beer cartons, ammunition packing crates, artillery shell casings.

Men, women and children move about the beach dressed in pieces of American military uniforms—sometimes in fatigue tops with the soldier's name still sewn over the pocket. Tots paddle around the harbor in punts made from styrofoam bomb containers. And shouts of, "Hey Joe, where you go?" come from the little houses whenever Americans pass.

Most of the people in the flimsy shacks moved here to escape the crossfire of the war. Danang, at least when the American military presence was large, offered jobs and security. Now the jobs are gone, along with most of the Americans. The security, in the face of the North Vietnamese invasion, is tenuous.

But there is no place else for the people to go right now. Their farms farther north are still unsafe. Even resettlement areas in the south, like Phuoctuy, are under attack. So, in this sense, Danang and its environs like Red Beach are a microcosm of what is happening to the people in Vietnam in this suspenseful stage of the war—the Vietnamization stage—the American legacy stage—the time of testing stage.

To convey what the South Vietnamese people are thinking at this crucial juncture in the long war, Charles Benoit—an experienced Vietnam hand who served as translator—and I interviewed scores of them over four weeks, both before and after the offensive began. We concentrated on the Danang area because of its symbolic importance, because the hardest fighting was done in the north while the Americans were here in force and because it is the main front in this current test of Vietnamization.

Some of the most eloquent testimony came from a rice farmer who, after he was uprooted by the war, turned to tailoring to make a living. He spoke of bombs and bullets in peasant terms—the terms that really matter in a primitive country like Vietnam where farming is the chief industry.

"Insecurity," he said in a long talk in a house on Red Beach, "means that there are two sides, and I'm in the middle and I must get out.

"I have moved 20 times since 1948 and built 14 different houses in that time. You must understand what the war does to people in this country. I will tell you, but I don't want my name used or my picture taken. The government is not going to like what I will tell you.

"Every time a government military outpost moves in to my area to protect me, I know that there is going to be a fight and that I will have to move.

"In the old days, when the French and Vietminh fought, I had more time, I could hide my family in the woods outside the village for a few days, then return.

"People could still make a living in those days. They could go back to their fields. That was before the Americans came with their bombs. Now the bombs fall from the mountains to the sea. If you stay in your village, you die.

"If you are a farmer without land, you no longer can go out behind the house and get something to eat. You try to get a job in the middle. Now everybody around here is trying to get into the middle. But there is no middle.

"The Americans and their jobs are leaving. More people looking for jobs because they can't stay in the countryside are coming in here.

"I haven't had any work all year. I get by with my bag of tricks. I sew some things on my sewing machine; have a little garden far from here, and my wife and children sell this and that on the market.

"But I can't keep up. Prices are rising. Rice used to be 300 piasters a bag. Now, it's 2,000 piasters. The people don't have a means of making a living. All of them want to return to their homes, grave sites, orchards and fields. But it is not safe."

Asked when things would get better, the 53-year-old farmer-tailor who had been through so much reflected a moment and said: "who knows when peace will come? In war, nothing is certain. All the people want to do is make a living. But there is no way to make a living now. They might starve to death."

We left his home and visited other families along the sandy lanes weaving through the flatland behind Red Beach. The theme that first the Communists come and then the bombs fall kept recurring in the interviews. This was the typical dialogue:

Q. Why did you leave your village and come here?

A. Because of the VC (Vietcong).

Q. Did they tell you to leave?

A. No. It was the cannon.

Q. What kind of cannon?

A. The cannon from the sky.

Leaving the houses for the beach, we walked along the water's edge. We had to pick our way carefully because there is no plumbing for the refugee shacks on Red Beach. People defecate at the tideline. The huge worms in the feces testified to minimum health care for the displaced people of Red Beach.

We Americans on foot were a novelty. Hundreds of children followed us and begged us to take their pictures. Many of the tiny girls wore gold earrings. Vietnamese decorate their youngest with their treasures.

At one of our stops on the beach, we heard two little boys arguing as they looked up at a C–130 transport gliding in toward Danang air field: "I don't think that one shoots," said one. "Yes it does," said the other. There was no argument about the F–4s roaring in and out of the airfield. They knew they shot.

The children, from what we could tell, were making do with what they had. They laughed a lot, swam in the ocean and played in the bomb-container boats. The older men and women, in contrast, seldom smiled or had a happy word. "At least there is fish to eat," was the closest thing to an expression of contentment by the parents we interviewed on Red Beach.

The dominant mood seemed to be reflected in the soulful antiwar songs written by Trinh Cong and heard all over Vietnam these days, for example, this passage from "But Today:"

"Once Mother Vietnam was peaceful and happy . . . sounds of laughter and animation were everywhere . . . a sacred country, a yellow skin, prosperous people, festivals all year . . . but today our homeland is flares. Our homeland is full of caskets . . . Our homeland is digging bomb shelters . . . our homeland is breathing bullets and mines . . . children running from bombs . . . But today our homeland is airships . . . burned fields . . . empty houses . . . . but today our homeland is hatred . . . our homeland is to sit exhausted with bullet wounds all over the body . . . But today our homeland is rolls of barbed wire . . . our homeland is going astray."

Representative Pham Xuan Huy, a Buddhist elected to the lower house from Danang over Thieu endorsed candidates, heard we were in town and challenged us to come with him at night to see the ugly legacy of this war.

First stop was a huge market on the edge of the city. The hawkers had left. The long counters that by day bulged with produce, straw hats and shoes were now barren.

"If you came here with a policeman," said Huy as we ducked through one of the small doors deep inside the deeply lit market, "you would never see the people hiding in here. They are afraid of getting thrown out of the market. They have no place else to sleep."

We took a turn, surprising an old woman sitting on an empty counter with her grandchildren. She glanced up at me and instantly fell to her knees screaming, clasping her hands for mercy: "They're going to kill me; they're going to kill me," she shouted with terror in her eyes. She squeezed into a ball like a frightened animal and pushed herself into a dark corner under the counter.

"She came here from a free-fire zone in

Quangnam Province," Huy said in a toneless voice that indicated he had seen many sights like this before. A free-fire zone is an area where shells and bombs can be dropped in at will on the theory it is enemy controlled territory.

Next stop was a Buddhist pagoda in the heart of Danang. Again, people from farther north were hiding there because they had no place else to sleep. A group of adults and children got up from the floor of a classroom in the pagoda and came out on the porch to see us at Huy's request.

There was silence as the people adjusted their eyes and focused them on the visiting Americans. Huy told them to tell us what happened when the Korean soldiers came to their village in Thangbinh District south of here. An old man spoke out first and then the women joined in—each building on the other's recollections until the words came out in a rush of emotion:

"The Koreans came in and pulled our babies apart, one soldier on each leg . . . They knifed a pregnant woman in the belly and ripped out her baby and held it up . . . They threw children and old people down wells . . . They shot the water buffaloes . . . If you are on our side, why don't you kill all the Koreans?"

Huy asked the villager to fetch a little boy who had slipped away from a Korean soldier by running out of his loose pants. The boy came to us from the dark court yard of the pagoda where the children were playing. He took one look at the strange Americans, screamed in terror and fled into the night.

I stared at Benoit in disbelief at what I had heard him translate and had seen in the pagoda. He said the same kind of Korean atrocities had been described in 1968 by Vietnamese he had interviewed for the Rand Corp. He said their stories had been deleted from the Rand write-ups of the interviews. The Koreans resorted to terror to retaliate for sniper fire from villages, according to Benoit.

"What family heritage has Mother Vietnam left behind for her children," asks another of Trinh Cong's songs. "A sad Vietnam, rows of burned house, a jungle of dry bones, a mountain full of graves, a gang of half breeds, a band of unfaithful . . . Mother hopes her children born of one father will forget their hatred . . ."

Le Tich, 44, is trying to support his household of wife, eight children and two grandparents on no job. He has lost the last one he had as a $25 a month carpenter at the former Marine base at Camp Books here. He walked to work from his Catholic village of Phuoctan.

"I would be willing to move farther south because there is nothing to do here," he said. "I want to go back home, but I don't know when peace is coming." Home is Lapbinh village in Thuongduc district—a place he left in 1966.

Tich said he has pulled his 15-year-old son out of school so he can scour the already picked over American garbage dumps for aluminum beer cans. He needs the piasters.

The priest in Phuoctan said Tich's plight was typical now that the Americans and their jobs have left. "If you don't publicize the problems of our people," the priest said, "there will be starvation. Already the robberies have doubled and tripled in this area in the last 12 months."

He added that the closeness of the North Vietnamese has put fear in his 2,993 parishioners. "Some have joined the other side. My people are afraid. Nobody travels anymore. If people are afraid to travel, the price of things which do travel goes up."

Before the offensive, the priest said we could print his name. After it began, he said during our followup visit that it might not be wise to identify himself so closely with Americans and thus asked us not to use his name.

"Mother Vietnam lying 20 years, bones and skin soft, waiting for the sacred time for the country," laments Trinh Cong in "A Long Day in the Homeland."

My eyes fell on a little boy with no left leg hopping around on crutches like a wounded bird at the So Do Trai refugee camp in the Soncha suburb of Danang. We stared at each other in mutual, morbid curiosity. His family story is one representative of the third generation of Vietnam war refugees.

The first big surge of recent times was the 800,000 refugees who fled when the Geneva Conference partitioned the country; the second came during the Tet offensive of 1968 and the third, during the current North Vietnam offensive. One U.S. estimate is that the new offensive has uprooted 700,000 South Vietnamese since March 30.

Tran Van, the legless boy's 71-year-old grandfather, did the talking in one of the camp's tents. Dozens of children pressed around us to listen—their only entertainment in a place where time stands still.

"Americans were going out on operations, and we were getting caught in the middle," said Van in explaining why the family of 10—himself, wife, son, daughter-in-law and six children—moved in 1967 from their two-hectare farm in Mhiha hamlet in Northern Quangtri Province.

"The planes came in and bombed everything flat," he said of their home hamlet. The family moved to the nearest market town where "we did anything to get by—collected firewood and thatch and sold it."

As the North Vietnamese invaders swept on them from the north, the Van family ran south ahead of them. "We ran all night. Whenever shells landed near, we hit the ground," Van said. He lost his wife in the dark. The rest of the family made it to the then safe haven of Quantri City, taking the last legs of the trip south by bus. "We were afraid of dying, so any money we had we put into bus tickets," Van said.

An old woman listening to Van tell his story shouted at us from the back of the tent: "Tell the Americans to get out all their B–52s and kill the VC so we can go back home."

"Yeah," shouted a boy of about 15, "all we have to eat here is rice and salt."

An American official in Saigon, while conceding steadily rising bombing and shelling in South Vietnam is ripping the family fabric of the people and turning them into helpless migrants, blamed it on the Communists, declaring: "If you didn't have the fly, you wouldn't need the fly swatter."

Another U.S. official high in the Saigon command said of the misery in the Danang area, "Well don't get too teary about it. Remember those people chose to live in those areas where the Communists were. And lots of those who moved to Danang to work for the Americans have made a good living."

And still another American directly involved with the people problems in the northern part of South Vietnam conceded that the situation was appalling, but added, "This has very little to do with power politics, as Henry Kissinger understands very well."

It can be argued who is responsible for all the pain inflicted on the South Vietnamese people and whether the U.S. role is morally defensible. But it is inarguable that the Saigon Government and its American sponsors have a huge war legacy problem to cope with beyond the current offensive.

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[Second in a series]

FISHING AND FARMING ON THE FRINGES OF WAR

(By George C. Wilson)

DANANG.—We launched the 21-foot dory into the surf of the South China Sea at four in the afternoon and headed for the base of Monkey Mountain where the fish were supposed to be.

Pham Van Thich, aged South Vietnamese patriarch of the 13-family fishing combine, had warned interpreter Charles Benoit and me that this was not going to be any pleasure trip—that it was going to be a cold, all-night affair. He pulled skeptically on his Ho Chi Minh beard when we said we wanted to go anyway.

The crew of five men and three boys had the mission of finding and netting finger-sized silver fish that their 13 families live off all year long. Our mission was to see what, if anything, the Vietnam war was doing to the people safely out of its direct cross-fire.

As the one-lunger engine pushed the high-bowed boat along, the sun turned the blue-green water gold for a moment, and then ducked out of sight behind the mountain. Everybody looked in admiration. There was no language barrier nor, for the moment, any war.

The conversation picked up when we shut off the engine near the unspoiled sandy beach backdropped by dense green woods—supposedly a hiding place for Vietcong and North Vietnamese infiltrators. The huge airplane radars that the United States put on top of the mountain for its warplane traffic looked like an intrusion on the setting off the beach, war or not.

"We're really not supposed to fish this close to the beach," said one of the fishermen, "but things have been quiet lately so the government boats don't bother us much. When the Americans patrolled out here in their fast boats, they would come along at night and throw grenades into our nets whenever we fished close to the mountain."

Nobody made a big issue out of it. The fishermen were used to living a day at a time and taking what came. They said their luck had been bad lately. Fish were scarce and rice they had to buy from selling the catch was steadily rising in price. They blamed the war. It was keeping them from going deeper into prohibited areas where there were more fish.

In the stern, the cook piled up firewood on a metal sheet laid over the wooden bilge of the deep dory. He was preparing for the highlight of the 15-hour fishing expedition—the big feed at midnight.

Other fishermen smoked quietly and gathered their strength for the hard work they knew was ahead. A little boy, one of the fishermen's sons, moved nimbly around the crowded boat filling kerosene lamps which would be used to attract fish once it became dark.

The father looked at his son appreciatively and said to us with a heavy sadness: "His birth certificate has him younger than he really is. But that's just as well because he is awfully small to carry a rifle."

The fishermen talked of all the boys who had gone to war from the little village of Khamtanmy on the sea north of the area American GIs knew as the China Beach R&R Center. "So many of them have gone all the way to Cambodia and Laos," he said.

His son took an immediate liking to Benoit and asked to have his picture taken with him. The father smiled and said, "I wish I could make enough money to send him to school, but I can't this way."

Darkness fell in a rush. The boy hung the lamps out over the water on sticks the shape of an upside down L. He lit them and then settled back with everybody else on the boat in hopes the fish would see the light and follow it to the surface where they could be netted.

The fishermen shielded their eyes against the light from the hissing lanterns so they could see into the now black water. No silver streaks of fish could be seen in those first hours. The only catch, besides a few squid, was a Chincoteague-looking flounder caught on a hand line.

The skipper moved the boat to a new spot and tossed the bowl-shaped wicker basket over the side. It was tarred below the waterline so it floated with one man standing in

it. It could be tipped so that water would drain out through the open weave of the basket above the tarline.

The lanterns were placed around the gunwale of the basket. The fisherman paddled the basket 50 yards away where two boats surrounded it with nets. But this fishing blind netted only a small pile of fish, boys in the States call spearing or sliversides.

At midnight, we brought out our gift bottle of Chinese wine to go with the boiled fish and squid. It lasted only one pass around the boat. But for a moment I thought I was going to hear the first spontaneous singing I had ever heard in this war-saddened country. But evidently there was not enough wine for that.

At daybreak, the crew stowed the lights and headed for home. They watched a South Vietnamese patrol boat nervously as they left the off-limit area. There was no way to get away from the war, even out at sea.

The patriarch everybody called Mr. Mien—rather than Thich—said their fishing village had so far escaped shelling but was hurting badly from the war just the same. He estimated the catch for the two boats working for 13 families the day of our trip would bring less than two dollars total on the market.

He blamed tight war restrictions for keeping fishermen out of the prime fishing areas. He was especially vehement on this point when we interviewed him for the third time—a time when the North Vietnamese offensive had been going on for a month and had prompted much stricter controls on the fishing than the time we went out in mid-March.

"You want to buy my boat?" Mien asked in an interview in his home.

"I don't need it. I can't go out where the fish are. Why doesn't the government trust me? I would be like a watch dog out there. If the VC come in, I'm going to die along with everybody else. I would report any strange boats.

"But look at me. My beard should be twice as long as it is," he said half-jokingly. "But it is falling out because we don't have enough to eat. We are living off what we have saved. We are not allowed to go out where the fish are. It hardly pays to go out."

The fishing chief said he also has the worry of paying off the money he borrowed from a government bank to buy a slightly bigger fishing boat. "It's upside down on the beach now," he said—another kind of war casualty.

"The United States seeks no bases. It seeks no colonial presence . . . It aims simply to help a people and government who are determined to help themselves . . ." (U.S.-Vietnam Declaration of Honolulu, Feb. 8, 1966, on purposes of the war.)

Some 15 miles south of the beach where Mien has left his boat until better times is a group of villages which the Thieu government is trying to bring back to life even as the war rages farther north.

The impetus is the government's realization that an agricultural country like South Vietnam must get its people back to the countryside to survive, especially now that the Americans and their jobs are leaving.

Kyngoc near the district capital of Hoian south of Danang is one of the villages the government is trying to resuscitate. The farmers there said they were glad to be back to the land but, like Mr. Mien, could not seem to get away from the war even when there was no shooting in their neighborhood.

"The land is more than we can use," said one of a group of five gratefully in an interview in Kyngoc. "But because of the war it hasn't been worked for five years.

"We don't have any water buffaloes any more so we have to dig the fields with our hands. When you work the land every year it keeps soft. But when you let it go, it gets hard.

"Another thing is these things which keep exploding underground. Five of us have died here already from these things. The M–79 grenade is one of the things we keep running into out there in the fields."

Even so, the farmers said they planned to stick it out in Kyngoc if they could get a pump big enough to water their crops. "If we don't get water by mid-May, we won't be able to get our crop in and will have to leave here."

These farmers fearful of losing their land again to the war and its legacy of shortages expressed the same sense urgency when they talked of other needs:

"We're having a big problem with worms. And we need fertilizer and seeds. But we don't have enough money to buy what we need. We have no capital.

"Things are so tight here," another farmer said, "that we have to worry about the birds eating the rice. We didn't used to worry about that because there was so much rice. But now with so little rice, there are too many birds."

A lady with one leg—even in the sparsely populated countryside of Vietnam it seems impossible to lose sight of people who have lost arms or legs from the shelling and bombing—shouted across the lane from her house to complain that "sixty families haven't got their money yet." The Saigon government pays villagers who move back to the land under the Return to Village program.

The war in the countryside the Americans are leaving behind them has a different face in another Return to Village effort in a place called Xuyentan, also near Hoian. The spirit of accommodation expressed by some regional force soldiers guarding Xuyentan contrasted with the no-coalition stance of the Thieu government.

"We see them," said a trooper of Vietcong soldiers he has seen while out in Xuyentan ambush positions. "If they don't shoot at us, we don't shoot at them. If we do shoot at them, they'll just shoot a B–40 rocket back at us. Then boom." He threw up his hands in a sure death gesture.

A middle-aged father weaving a basket in the doorway of a small home in Xuyentan was playing it safe in another way. He said three of his children stay with him in the village so the family can collect government Return to Village benefits while his wife and other four children hedge the bet by staying in Hoian where they can keep selling things in the market.

Another farmer complained of the hemmed-in feeling in Xuyentan where military protection from enemy soldiers goes only a short distance from the village itself.

"We don't have enough land here, and I can't get to the fields that aren't being used by somebody else. I can't go anywhere. Back in Hoakhanh I could go anywhere in any direction. I could go into Danang if I wanted to."

The Vietcong have recently demonstrated their presence by blowing up the village office in Xuyentan. The village chief himself does not risk sleeping in his village, according to the soldiers assigned to guard it. "I've never seen him after 5 o'clock," said one. "He goes into town (Hoian) to sleep."

Phuloc, another Return to Village endeavor, proved a happier leadership story. The village is on low-lying Gonoi island and has broad fields of blue-green grass. Its chief lives right with his villagers day and night—in fact in the house on the end of the line and thus vulnerable to attack.

Before the current North Vietnamese offensive, the village of Phuloc had indeed come to life and was prospering. The people had not built high dirt foundations under their houses—a sign of commitment to stay put for good. But the population had stabilized at 1,400 people.

Again, how Phuloc fares from now on will depend on how well the Thieu government manages to walk the tightrope between all-out peace and all-out war—somehow keeping the invaders at bay while coping with people problems.

In fairness, it must be stressed that the northern section of South Vietnam has some of the most severe problems. In the more pacified Delta to the South, by contrast, many farmers are doing better than they ever have with tractors and mechanized pumps replacing hand labor.

Also, the fact that the Thieu government has embarked on a Return to Village program and so far has managed to feed the thousands of refugees pushed out of their homes by the North Vietnamese invaders represents responsiveness to people needs in the middle of a war.

Pham Kim Ngoc, President Thieu's minister of economy, said in an interview on April 29 in the midst of Hanoi's offensive that his government recognizes that it must strive for normalcy in the country amid war.

"The enemy wants to test the efficiency of the government—to demoralize the government," Ngoc said of Hanoi's offensive. "We must be careful of overreacting (to the offensive) and not to try to run everything." Otherwise, he said, "we will be ministers of everything and ministers of nothing."

The experience of the fishermen and the farmers indicates how difficult it is to compartmentalize the war—especially now that both warring sides have modern U.S. and Soviet weapons with vast killing power, like long range artillery.

And since everything from mortars to bombs are available, a few armed infiltrators can damage a village heavily on their own or, even worse, for the people in it, stay long enough to draw in tons of artillery and bombs from the contesting armies.

A U.S. report on the attempt to resettle Phuloc 6 near Hoian gives a measure of this problem:

"From a December, 1970, high of 2,000 optimistic people" Phuloc 6 "has now sunk to a virtually abandoned ruin of homes. It began existence in January, 1970, with confused refugees generated from the surrounding village of Duyxyen, and grew from a group of hovels made of ammunition boxes to a pleasant hamlet of wooden houses with wells, optimism and land.

"The zenith was reached in December, 1970, when final resettlement payment was made to the site in an atmosphere of optimism hardly reminiscent of earlier difficult months.

"Several incidents against the site before December by the Vietcong, including a serious lob bomb attack, did not dissuade these people.

"After resettlement payments were made, however, the Vietcong increased their harassment, culminating in a serious mortar attack the last of February (1971), destroying 50 homes, and along with them, the resistance of the people.

"Phuloc 6 is now a deserted ruin of houses despite a noble attempt by the Government of Vietnam to assist these people in becoming established and recovering from their many setbacks."

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[Third of a series]

ANTI-AMERICAN PROTESTS CONTINUES DESPITE WITHDRAWALS

(By George C. Wilson)

DANANG.—We were walking from Khamtanmy fishing village to the Lambretta bus stop on the highway when we saw disabled war veterans stretching a giant banner across the blacktop road.

"The Collective Disabled Veterans Oppose American Drivers Who Hit And Killed Disabled Veteran Xung On 14 March 1972," the red and white banner proclaimed in Vietnamese.

An ex-paratrooper with a wooden leg told us that not only had an American soldier run over Xung in his truck, but the U.S.

Army had hidden the victim's body from the family. Without a proper burial, said the paratrooper, Xung would not go to heaven. And so far, he said, nobody had compensated the family for its loss.

The only way to make the Americans respond, said the war vet organizing the demonstration, was to block this road—Highway 543—which links two U.S. military bases.

The leader's lieutenants, one of them missing an arm and the rest of them limping from leg wounds, pulled barbed wire across the road so traffic could not pass.

Xung's sister and other relatives arrived and squatted along the wire—wailing out their grief for the victim. An old lady, caught up in the fervor of the protest, came up to Charles Benoit, The Washington Post interpreter that day, and screamed, "Kill! Kill!"

The lady did not hurl rocks nor did the crowd join her in the confrontation. The only real violence was the smashing of two windshields of vehicles which tried to circumvent the barricade and the beating of their drivers.

The U.S. Army, which had put the victim in a refrigerated storage area after the accident, delivered the poncho-clad body to the family on the pavement as the demonstration went on.

The point of recounting this demonstration of March 16 is to convey that anti-Americanism is still being expressed in Vietnam even though the number of U.S. troops in the country is down from over half a million to less than 65,000.

The exchange that day on the highway between the Danang mayor's representative, a beefy colonel wearing dark glasses and a jungle hat, and the veterans leader may have expressed a root cause for this hostile feeling.

"The mayor has ordered these obstacles removed by 1:30," shouted the colonel, standing at the barbed wire backed up by a group of South Vietnamese troops.

"Colonel," the veterans' leader shouted back, "you know about the Americans as well as I do. I have been through two or three of these things before and it has not worked out. We have got to make the Americans bear the responsibility."

That phrase about bearing the responsibility ran through various other expressions of anti-Americanism we ran into during two months of interviewing scores of Vietnamese in Vietnam.

The uncertainty about what will happen next in Vietnam as the Americans leave seemed to intensify the attempt to blame them for unresolved problems.

Vietnam historically has resented foreign occupiers and fought continually to eject them. So it is not surprising many Vietnamese should regard the American troops who came here in 1965 as a mixed blessing or an outright disaster. What follows is not an in-depth survey of anti-Americanism but a cross-section of feelings representative of those expressed during scores of interviews with Vietnamese.

Yet, the Vietnamese even while they assailed Americans did it with disarming friendliness often pouring us cups of tea. Even children who said they had lost their arms or legs to American bombs were friendly.

Nguyen Van Xuan, chairman of the Veterans Friendship Association which staged the highway demonstration, was one who insisted that we have tea with him when we called at his home in Danang to ask what lay behind the protest we had witnessed on the highway. He said it was not just the temporary loss of the body nor the past problems in getting families compensated for deaths or injuries inflicted by American-driven vehicles.

"The drivers who are responsible for all these accidents never seem to feel sorry from the Americans," Xuan said. "We want some expression of feeling sorry. They never go to the funeral of the persons killed. Maybe they are afraid they will be beaten.

"In Vietnam," he continued, "the person who causes the death would lead the procession to the grave. We feel Americans are concerned only with money. And the money they have brought to this country has created a whole new layer of people here—those with American money who live the American way. It has created a social change."

"Before the Americans came, the money a soldier or official got was enough to feed his family. This is not true any more," Xuan said.

He was a lieutenant in South Vietnam's 2nd Division from 1964 until his leg was shot off in 1968. He said he had fought side by side with American soldiers. "That the Americans came over to help us is a source of satisfaction," Xuan said, "because we have been in a life or death fight with the Communists. But these other American activities are not satisfying."

U.S. officials in Danang said the U.S. Army paid the family $1,250—the maximum amount which can be given out at the branch claims office—right after the street demonstration. The growing number of retired South Vietnamese veterans, said one official, are fast becoming "hired guns" for various causes—including families who want their claims expedited.

Said another U.S. official when asked why anti-American demonstrations should be so frequent now that the U.S. finally is getting out of Vietnam: "They know they don't have much more time to get our money."

In Hue, on May 2, a group of four Rangers, drunk on rice wine and evidently looking for a way to vent their anger at having to abandon Quangtri City to the enemy, said they hated American newsmen because of the way they photographed their retreats. The troopers lunged at Benoit and tried to rip his camera off his shoulder.

Benoit fended them off, and, to their amazement, began talking to them in Vietnamese. A scowling 22-year-old sergeant smiled at this, embraced Benoit and invited him to join them.

The soldiers looted food and wine from stores on the main street. The sergeant, brutal and philosophical by turns, talked about the war and America's blame in it.

At one point, abandoning his attempt to drag a 15-year-old girl into a hotel to be gang-raped, he stood head-to-head with Benoit and said:

"See what war has done to us! It has turned us into animals.

"If it hadn't been for the Americans and Russians, the most we Vietnamese would be fighting with would be knives.

"I want to put down this M-16 and go back to the countryside. I'm an anti-Communist. But everytime I kill a Communist and turn over his body, I see a Vietnamese face."

The ranger said the United States should not have interfered in Vietnamese affairs in the first place. But, he added, now that Americans had made the war big, they should stick with it.

"If Americans sell us out, I'll kill Americans just like I have been killing Communists. I will keep killing Communists, too. If I see I am going to lose, I'm going to commit suicide."

Vietnamese newspapers, although tightly controlled by the Thieu government, have frequently expressed anti-American feelings during this offensive. Some stories have accused the Americans of holding back on bombing North Vietnamese tanks as they clanked southward out of the DMZ. Others have suggested there has been too much bombing, like this subhead on an air war article in the May 15 edition of the opposition paper, Dien Tin:

"Bombs and bullets have turned one-half of the Cambodian and one-quarter of Lao citizens into refugees. . . . To American air force, any signs of life in enemy territory are military targets."

The shades of anti-Americanism among Vietnamese intellectuals were represented by interviews in the Danang memorial to Vietnamese patriot Phan Chu Trinh; in a pagoda hiding place, and in the home of a high school teacher.

Trinh was South Vietnam's Thomas Paine, writing for his country the kind of "Common Sense" articles that Paine wrote in arguing for American independence. Trinh assailed Vietnamese mandarins who ingratiated themselves with foreign rulers and served as part of their court. He urged his countrymen to look at their situation realistically before Vietnamese ended up like the American Indians.

"Why in the past," Trinh asked in an article written in 1908 when the French dominated Vietnam, "have the colonial authorities always in their official speeches included resplendent promises, fancy but meaningless terms like equality, chivalry, civilizing benefits and many other flowery items? Better to speak bluntly as follows: 'We conquered you people, you are our slaves, it is our convenience to use your as we desire. You have been put outside the family of humanity. You had better regard that as final.'"

Even though the Thieu government police were outside watching the Trinh home as we called there, the patriot's daughter greeted us warmly with no hint that our visit might trigger troublesome questions from the police.

Her expression of anti-Americanism combined subtlety and graciousness. She merely noted that the American people might not have been told that the grandson of Trinh had been jailed—and maybe even murdered—by the Thieu Government. Trinh's grandson is also the brother of Madame Nguyen Thi Binh, head of the National Liberation Front delegation at the Paris peace talks.

Leion Liem, 20-year-old militant Buddhist student who had been arrested three times for his antigovernment activities, expressed the conspiratorial view of why the United States had entered the Vietnam War. He and two fellow students said American participation was prompted by the need of U.S. munition makers to sell their products.

The students said they resented U.S. support of the "repressive" Thieu government. Liem—5 feet 2 and weighing 99 pounds—claimed Hue police had tortured him with electric shock treatments and forced soapy water down his throat until he thought he would drown.

"From the Pentagon Papers," said one of the students that night in the pagoda, "the Vietnamese people know the war is not being run by the government of Vietnam, but by the Americans. That is why the people have to be anti-American."

He said students through their underground publications—easy to come by in Danang and Hue—are attempting to show that "this is not a government of people, but a government of Americans."

"Thieu has got to go because he is the lackey of the Americans. The vast majority of the South Vietnamese are ready for a coalition government," a student leader claimed.

A calmer expression of anti-Americanism came from the Danang high school teacher—a man who said his own views on the war have changed since 1965 when the first American troops waded ashore to fight in Vietnam.

"When American troops came here," the teacher said, "they came with the promise of defeating Communism. Now you are leaving. Have you met your promises?

"Back in 1965, I was very anti-Communistic. I believed then that South Vietnam really was an outpost for freedom in the fight against Communism. But then President Nixon went to China to shake the hand of Chou en Lai.

"That proved to me," the teacher con-

tinued, "that this is not a war of freedom against communism but of capitalism against communism. Neither capitalism nor communism is good for an underdeveloped country like ours. It is time to pay attention to Vietnam's interest because nobody else is doing it.

"After all this destruction from the war, I can see now that Vietnam is just a piece on the chess board. Nixon went to China to eliminate one big enemy. It is a very uncertain time for us. We don't know what Nixon and Chou decided about our future.

"Taiwan was just thrown aside by the United States. We'll be tossed aside the same way. Vietnam has been sacrificed to someone else's interest.

"I don't know whether it is true or not, but a lot of us feel the United States went to China to save its floundering businesses by getting the Chinese market of 800 million people. China will get the machines it needs from you to become a modern nation."

If President Nixon's negotiations with the Communists has indeed changed everything, what should the Saigon Government do about it?

"That depends on the United States," answered the teacher. "Understand that remark as you like. We government of Vietnam officials have no right to our personal opinions."

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[Last of four articles]

MISERY OF CROWDED DANANG TYPIFIES WAR

(By George C. Wilson)

DANANG.—Seven years ago, Danang was a pleasant city whose 164,000 residents could walk under the tall trees along the river and watch the fishing boats come in from the South Sea. Then came the Americans.

Today, Danang is a city nearly suffocated by its 440,000 residents and another 200,000 refugees from the new offensive farther north. The streets of the city show the long night of the war. Even the old trees along the river died in it.

Legless children clutch the visitor with their tiny, dirty fingers and beg for alms; grown men and women press their faces against the front windows of restaurants, then swoop inside for the diners' leavings like fearless crows; Honda and pedicab drivers, usually dressed in GI khaki, block the American with their vehicles in their desperation for business; roads flood over after every heavy rain, blocking the paths of school girls in their flowing white ao dais; the unemployed stand patiently outside the fence of the job center, but there is nothing, and the soldier amputees—either on crutches or in wheelchairs—seem to be everywhere; children—again in GI khaki—root through American garbage dumps.

The cause for all this is war—especially the Americanized war. The rooting out of the Vietcong and the North Vietnamese with shell and bomb has also rooted out the Vietnamese farmers. The population of Danang doubled as people fled here from the countryside just between the years 1965, when the Americans landed at Red Beach, and 1968 when the United States had 538,000 troops on the ground in Vietnam.

"The problems facing Danang are of such magnitude as to almost defy solutions," states the new report on the city by the U.S. advisory team here. "With a basic infra-structure originally designed to service around 50,000 people, the city now has almost one half million people . . . The city is literally choking itself to death and will only survive by expansion and development . . ."

Yet, how can a city and a country fighting for its life on three different military fronts pay any attention to what the planners say should be done on the homefront? The question is one posed not only in Danang but other cities in Vietnam as well—with Saigon's problems of overcrowding and crime and poverty even worse in some days.

As the United States packs up to leave Vietnam, the problems it created for Danang and other places are nowhere near being solved. The U.S. government will have to decide soon what to do about this Vietnam legacy. Taking out all the American troops solves only some of the problems.

But influential Vietnamese cannot safely wait for the Americans to make up their mind about how much help they should give, if any, to solving the problems they are leaving behind. So, war or not, some Vietnamese leaders are looking beyond the rubble of the war and trying to build for the future—even though Hanoi's troops are at the gates.

Banker Vinh Thuc is one of those people daring to dream about and build for the future. He is 34 years old, a 1964 graduate of Syracuse University and manager of the Thieu government's Industrial Development Bank in Danang. Before Hanoi launched its offensive, he predicted in an interview that 40,000 would lose their jobs in 1972. And in a follow-up interview after the offensive had been launched he said things were too uncertain to make a new prediction, adding significantly: "I'm sorry you can't be here for the dedication of our new oxygen plant at Camp Books."

Elaborating on this "damn the torpedoes" spirit, Thuc said: "The war is going on, but we can't stop developing. I hope that there will be no delay except when Danang is attacked."

His particular dream is to develop the old U.S. Marine base at Camp Books near the Danang airfield into a giant industrial park. Already he has some plastic, cement and oxygen facilities operating there but has had trouble getting foreign companies to invest their money so close to the war front.

"But," Thuc said, "the war is just temporary. Investment for industry is permanent. You cannot stop your long-range planning. Industry which moves here will receive all kinds of help—loans, tax breaks and a guarantee that we will replace any equipment lost from the war."

Compared to the obstacles Thuc overcame when the Thieu Government let him take over Camp Books for an industrial park, his optimism about the future may not be too far-fetched.

He took Charles Benoit, The Post interpreter, and me on a tour of Books to point out those old problems: holes in the tin roof of the storage shed because the South Vietnamese troops assigned to guard the place decided to ventilate it with their M-16 rifles of an afternoon; big lengths of the power line missing because the soldiers sawed it up so they could sell its copper on the black market; sheets of roofing and lengths of lumber carried off. He replaced the Army troops with civilian guards.

Thuc concedes it will take time to develop an industrial park, deep water port, airport and paved road. The city's unemployed, he said, will need some immediate help.

Danang Mayor Nguyen Nogc Khoi, an army colonel and former policeman for the French and thus unpopular with anti-Thieu students here, has a dream of his own for providing that help. He wants to embark on public works projects, like building schools, and put up a giant Monte Carlo of a recreation center on the sandy ocean beach of Danang.

But the Thieu government according to its finance officers, is headed for its biggest deficit ever and thus will have precious little money to divert from war to peace projects, like building schools in Danang.

The Monte Carlo—a project many Vietnamese as well as Americans here scoff at—is not only a long-term ambition but contrary to the current strict rules of behavior, like no dancing in Saigon.

GROWTH OF DANANG

This is how the Danang population has grown since the United States entered the war in 1965:

| | |
|---|---|
| 1965 | 164,274 |
| 1966 | 228,035 |
| 1967 | 269,366 |
| 1968 | 363,343 |
| 1969 | 383,866 |
| 1970 | 411,942 |
| 1971 | 430,639 |
| 1972 | [1] 440,000 |

[1] Not counting the current surge of refugees—estimated to be about 200,000.

Undaunted, Khoi said: "Why not? Maybe people do worse things in their homes. I have told my prime minister that we must have jobs for the people. If you have a hotel, night club, laundry service, steam bath, dancing, gambling—you have jobs. Gambling is not good for all people, but for rich people, why not?"

The easiest answer to the unemployment problem in Danang and other cities, of course, is to move people back to the farm again where they can become producers. But that is not safe right now and some of the young people are resisting returning, safe or not.

Khoi, during interviews in his office here said, "If anybody steps out of line I'll arrest him." But he put law and order as second only to unemployment on his list of problems. The desperate straits of the unemployed, deserters and the prevalance of guns are among the reasons officials list for the upsurge of crime in Danang.

In 1970, when there were more jobs—including many with American military bases and contractors—there were 395 reported cases of theft. The number increased by 58 per cent last year, according to city statistics. Some families told us that military jeeps in some thefts blocked off a street. Then, they said, soldiers drove a truck up to a house and stole all its furniture.

While Thuc and Khoi ponder about ways to provide work for Danang's unemployed two other leading members of the city's establishment worry about reweaving Vietnam's social fabric torn by the war.

Madame Nguyen Van Dai, principal of Danang Girls High School and described by U.S. consulate officials here as "the most visible woman in the city," is in this category.

"Most of the young people," she said in an interview in her high school office, "are against the present social situation. They want to be given a way to lead their country.

"They have lost faith in their leaders. This makes them drop out of the system and not care." The topic for a debate in her school in mid-March was, "What Should Youth Do to Face the Changed Social Situation?"

Mrs. Dai said that one big strain on the social fabric comes from the fact that people "with ideals can't keep up" with the rising cost of living, "while those who go into bad activities do keep up."

While she did not give this example, the women shoveling stone for the street construction outside the school receive 200 piasters (50 cents) a day while minimum prostitute rates in Danang are between 3,000 and 5,000 piasters a night ($7.50 to $12.50).

"Vietnamese youth," she said, "don't have a base in Vietnamese culture. Without this, they worship things foreign. Vietnamese have to be Vietnamese first. Vietnamese ways are being lost" because of the foreign presence during the long war.

Now that foreigners like the French and Americans have dragged Vietnam into the modern industrial age, Mrs. Dai conceded that "We have to change our whole system of education" to train people in the technical sciences. But there is a widespread fear in this and other cities in Vietnam that such a leap forward technically will leave more of the reversed Vietnamese traditions behind.

This is why Dr. Thai Khanh, right in the middle of the war, is chairing the Danang Cultural Committee and arranging Vietnamese folk festivals in the city. He, like so

many others in Vietnam, has lived with war a long time.

A medical doctor from Vinh, North Vietnam, Khanh held up a pair of tweezers for eye operations which he had fashioned from a downed French airplane while serving with the Vietminh. Talking about Danang, where he has lived for the last 13 years, Thanh said: "Our principal problem to solve is jobs and the secondary one is to organize our society to bring back more of our culture.

"There are lots of rich people out there, but they only have money—nothing permanent. They just have the money brought over here by the Americans." He does not believe this part of the Vietnam War legacy will do his country any lasting good. He said the real wealth would be something for his people to build like the community college he is championing for Danang. It can't wait for the war to end, he said, if the new generation is to prepare itself for the future.

Tran Dinh Binh, head of the unemployment office in Danang, epitomized the feeling among Vietnam government leaders that the United States should not leave Vietnam in the lurch economically even after the U.S. troops leave. "We need help," Binh said. "I hope the United States will provide what we need. We need the tools, the right tools, to build up our economy. We need to learn to make before you give us tools for making colored television sets."

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HOW THE AVERAGE DANANG RESIDENT LIVES

DANANG.—This is how the average resident of this city lived today according to a study of Danang conducted under the supervision of Carl Heffley of the U.S. advisory team here:

He "lives in a makeshift house that he constructed himself or is renting . . . He shares the immediate hectare (2.5 acres) of land surrounding his house with 17 other homes and around 147 more people. If he's lucky, some of the outside area will be a street or pathway where his children can play.

"He attended elementary school for two years and is now an unskilled laborer who works seven days a week and earns around 6,000 piasters ($15) a month. He has watched food and clothing prices in Danang rise in the last month by about 6 per cent.

"Since there are no sewers in Danang, the sanitary facilities of his home are serviced by a septic tank or drainage ditch. If he has no toilet facility in his house, he and his family will use the nearest cemetery or beach.

"His home is not wired for electricity since there are no electric facilities in his area; what light is needed is supplied by a kerosene lantern.

"His children will carry water for the household from the nearest public well since the city has not piped water to his khom yet and it is too expensive to buy from a vendor.

"Only three of his six children will attend school, and they will probably quit after six years.

What little garbage the family accumulates has to be carried to the nearest empty lot for disposal since the city only collects in the central business district.

"The city only has 17 mailmen so he must go to his khu pho office to pick up any mail he gets, and if he wants to make a telephone call he must go downtown to the central post office to use the one and only public telephone available in the city.

"During the typhoon season the chances are good that his home will be flooded since the drainage ditches constructed in his khom are filled with garbage and have never really worked.

"His family has no transportation, and the cost of public transportation that is available is too expensive on his salary. He cannot afford a Honda, and he and his family will continue to walk long distances to work, school and the market.

"His main concern is for his family's safety because of the increasing amount of crime in the city.

"He is completely uneducated to family living and would probably prefer living in the country, but he cannot return because of the security in his village and probably will not return until his living situation in the city becomes much worse."

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## SPEECH BY NED PARISH, PRESIDENT, NATIONAL ASSOCIATION OF BLUE SHIELD PLANS

Mr. COOK. Mr. President, I ask unanimous consent that a speech by Mr. Ned Parish, president of the National Association of Blue Shield Plans, be printed in the RECORD.

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

1972 ANNUAL BUSINESS MEETING OF BLUE SHIELD PLANS—SUPPLEMENTARY REPORT OF THE PRESIDENT

At the beginning of our corporate planning effort this past year, the consultant from Planning Dynamics handed me a card which read: "No amount of planning will ever replace dumb luck."

If you give that statement a little thought, it can be interpreted in many ways. For example: "Planning isn't that important, but luck is everything," or "You're dumb, if you don't plan ahead," or it's a copout by Planning Dynamics which says in effect, "If you listen to us and still fail, don't blame us."

Over the months that we have been in corporate planning, I came to realize what that little card was meant to do.

First, it provoked all of us to think about planning.

Secondly, it drove home the point more clearly than ever that the future of Blue Shield is too important to leave to "dumb luck."

Dr. Layton, in his report earlier as Board chairman, outlined some of the corporate assumptions we have had to make in our planning process for the next five years. Now, I would like to discuss some key problems that we see in the immediate future and what we expect to do to resolve them.

PROFESSIONAL RELATIONS

Certainly one of the key problems facing Blue Shield today centers around professional relations.

It's been said that success comes only after you do what you have to do—at the time you hate to do it most. In this—my first address to this body as NABSP President—I hate to tackle this critical and often emotional issue.

But the success of Blue Shield will rest to a great extent on professional relations and I feel compelled to share these thoughts with you.

Blue Shield was organized by physicians in the beginning, but it is clear in every document and from the memories of those who were around at the time, that these physicians helped establish Blue Shield to serve the public.

Early support for Blue Shield in the medical community was intense, but not very widespread. And, if it had not been for some extraordinarily dedicated doctors, the movement would not exist today. So, when I run across a physician who feels we exist solely for his benefit, my first reaction is one of dismay, because such an attitude is a grave injustice to the image of those other physicians who made many personal and professional sacrifices so that the public could have better access to medical care.

I think there is no greater monument to the spirit and dedication of doctors than Blue Shield. Every physician can be proud that he is a member of a profession that shares a major responsibility for helping to build a strong system that provides the public with relatively easy access to medical care.

But, he must also know that it does not belong to him. Nor to me. Nor to you. It belongs, instead, to those 66 million Americans who have joined together to form a health protection phenomenon known as Blue Shield.

I believe a large part of Blue Shield's professional relations problems have resulted from the impact of Medicare and Medicaid—and to a greater extent—the uncertainty of new Federal legislation.

Medicine feels—with some reason—that the public does not understand nor appreciate it. Most doctors make the decision to enter medicine at an early age. They tend to be motivated both by a desire to help people, and by a desire for the respect of the community. These motives remain strong, so that eventually they achieve their goal.

Medicine is not an easy course to pursue. Once an individual has been licensed to practice, he feels he has earned a measure of respect from society. Unfortunately, to an increasing degree, the physician begins his medical practice only to find that the public can also be highly critical, and less than sensitive to the sacrifices that have been made in order that the young doctor may now serve the public with his knowledge. The result is that the doctor may be a little disenchanted with the public at the outset.

Blue Shield, then, one of whose purposes is to function as the public's representative in the area of medical care, may have to start out in a somewhat unpopular position.

Blue Shield also has played a role in Medicare by serving as an intermediary for 60 per cent of the elderly in the Part B program, and has also served as an intermediary in Medicaid programs.

Thus, we have been identified by some physicians as part of the overall system which does not accord the system its proper respect and which is trying to put the profession under more controls. This does not enhance our popularity.

It's pretty difficult for doctors to reach into the government bureaucracy and find "the man" to complain to.

But the Plan chairman, the Plan Board member, the Plan chief executive, or the professional relations man is highly visible and always there. And many an unhappy physician is using Blue Shield as an outlet for his rancor.

There may be a few Plans where the doctor has a right to be disenchanted with Blue Shield. Perhaps his Plan has made promises it failed to keep, or has not even bothered to make the promise in the first place. Thus, the doctor feels ignored.

On the other hand, there are some Plans that are disappointed with their doctors. These are cases where physicians believe that Blue Shield is their private preserve and as long as their views are not immediately embraced they want nothing to do with that Plan—except, perhaps, to harass it.

What I am trying to say is that to a certain extent, we are victims of circumstances that are not all of our own making. And this is one very important reason that we must have strong, creative public and professional relations efforts. It is incumbent upon us to make sure we are in control of those circumstances that may affect Blue Shield. We are in a position to help improve communications between the profession and the public by making sure that both fully understand Blue Shield's role in health care. But, in order to accomplish this, we need the cooperation of the medical profession.

So let's try to solidify our front through a little better understanding of the mutual contributions each has made.

Simply stated, medicine's contributions to Blue Shield include the following:

1. It helped Blue Shield get established—and again I remind you—for the benefit of the public.

2. In certain Plan areas, medicine accepted reduced payments to keep the Plan from financial disaster.

3. It contributed untold hours to Blue Shield Board and committee functions—without charge—to develop programs that the public needs. As one veteran Blue Shield Board member told me, "I serve on the Blue Shield Plan Board because I feel it is my responsibility as a physician. I wouldn't spend the hours I do on Blue Shield matters or take some of the guff I have to take if I didn't believe I had a professional duty. You couldn't pay me to take some of the knocks I've had as a Blue Shield Board member."

4. Medicine has also provided peer review committees to help establish claims, review guidelines, and to adjudicate the especially tough cases.

5. Physicians signed participating agreements with Blue Shield—individually or through medical societies. This gave Blue Shield an opportunity to help itself and the medical profession to be of greater service to the public.

What have the Blue Shield Plans done for medicine? I can draw an equally impressive list.

1. Blue Shield has given the leadership to, and participated largely in, the development of the world's largest and most viable private system for the delivery and financing of medical care.

2. It has assured direct payment to physicians without losses from bad debts and without additional collection expense. Today, on private business alone, Blue Shield pays doctors more than 2½ billion dollars a year.

3. Blue Shield—through the physician voice on Boards and committees—has been receptive to medicine's views. If there have been instances in which the quality of this representation has been inadequate, it has been, more often than not, because of failure to make best use of the mechanisms Blue Shield has placed at medicine's disposal.

4. It has undertaken experimental activities to extend prepayment coverage into new areas of medical services.

5. It has played a "buffer role" in Medicare. Someone defined this as getting kicked on both sides while relaying apologies to those doing the kicking. Regardless of the buffer role, and regardless of what many doctors may thing of Medicare, the program would have been even less acceptable if it were not for Blue Shield.

6. Blue Shield is working to develop more effective cost containment programs and documenting the effectiveness of these efforts. Our cost containment programs are not efforts to harass physicians as some Blue Shield critics charge. We understand and respect the role both Blue Shield and medicine must play in utilization review, and we're working with doctors to develop efficient claims review and peer review that will be beneficial to everyone.

From these two lists it is obvious that Blue Shield and medicine need each other. In the face of the challenges confronting both of us, I would urge a re-examination and understanding of Blue Shield as an organization to serve the public's health care needs through a coordinated effort between medicine and Blue Shield.

In terms of our corporate objectives, we state that the basic goal of NABSP is to "provide leadership, counsel and guidance so that Blue Shield philosophy and concepts will continue to be a vital force in the financing and delivery of health care in the United States."

I hope medicine—whose views have been so carefully built into that philosophy and those concepts—will join us in working toward this objective.

FOUNDATIONS

One manifestation of physician discontent is the emergence in many areas of Foundations for Medical Care.

I think the whole issue of foundations, more than any one single thing, exposes the importance of strong professional relations. If only for our own selfish reasons, we don't want physicians leaving Blue Shield to build another competitive system. Even though we may have our interest at the forefront of consideration, we don't believe competitive foundations are in the best interest of medicine, private prepayment, or the public.

I do believe that foundations can be most useful to the public and to medicine by working primarily in the area of peer review through Blue Shield and other carriers.

However, there are a few foundations which seek a far broader role and in some aspects would duplicate the current efforts of Blue Shield. I cannot help but feel that these kinds of foundations can fragment the private sector when the times call for unity.

Some of the attraction, to be sure, is the fact that many believe foundations can be completely physician controlled. But this is simply an illusion. It cannot be that way over the long haul.

Foundations will be subject eventually to the same pressures and forces that have helped influence Blue Shield. Only with foundations change will come more quickly than it has with Blue Shield because of today's very consumer-oriented environment.

I would caution that as foundations seek and use more government funds, they will eventually become heavily dependent on such support, and be forced to respond to government direction. From past performance, it is not likely that government will spend substantial monies on programs it cannot control. And when public money is being spent, it is only proper to expect that there will be close public scrutiny and accountability.

I would have to suggest that it is naive for anyone to feel honestly that foundations could hope to avoid the process of evolution toward effective public participation that Blue Shield has experienced, even assuming that such an escape would be a good thing. And I am not ready to make *that* assumption either.

Foundations, however, that are philosophically prepared to work with Blue Shield in using the best of both our capabilities can, and will, perform a useful public service. They will help strengthen the private sector and will demonstrate its performance quotient.

We have, of course, communicated these views to the Foundations, and will continue to do so.

THE PUBLIC

Another significant problem area we face today is with the other key element of the Blue Shield commitment—the public.

In our early days, Blue Shield was likened to a social movement, and the public applauded our fortitude. The press, meanwhile did not stand idly by waiting for us to make a mistake so they could offer their criticisms. Instead, they gave us just about all the favorable publicity we could have wanted. And when we made a mistake, they at least gave us credit for trying.

That surely doesn't sound like the situation today, does it? And the question is why? What happened to that little organization that was struggling almost against hope for survival?

Well, it survived, first of all. And then it grew—right into the world's largest system for prepaying medical bills.

In other words, to paraphrase a famous pogo quotation:

"We has met the establishment, and they is us."

As enrollment increased, as large national accounts turned to Blue Cross and Blue Shield for uniform benefits for their workers scattered across the country, our Plan buildings and staffs grew.

Then Medicare and Medicaid came along and together with new computed technology we grew even more.

But suddenly, our business took on new complexities. We had broader coverage and that was good. Only the costs of our programs began to rise at an increasing rate.

And certainly the computers could write a check in less than a second, but somehow in the back of the shop delayed claims stacked up.

"Garbage in . . . garbage out," became a part of the national vernacular.

Meanwhile, the public changed, too. The quest for answers to the effectiveness of health care financing and cost of health care moved in quantum leaps.

Young people, many born under Blue Shield coverage but never perceiving of us as a social movement, became more inquisitive and articulate.

Blue Shield was a part of the establishment. And if Blue Shield could not deliver as they felt it should, and could not hold down costs to reasonable limits, its future role was strongly questioned.

My friends, we have less margin for error in terms of public acceptance, so we have to be right almost all the time. And that's what we call pressure.

Pressure in itself won't kill us, but poor performance will. And the poorer the performance, the greater the visibility; and the greater the visibility, the greater the pressure. It's a devastating cycle that can only be broken with good performance.

And this is the key if we are to preserve and strengthen the private underwritten system of prepayment.

It's important, too, that we be able to demonstrate a strong performance record if we are to have an influence on, and subsequent participation in, whatever type of national health program is passed.

So a part of my message to you is to take a good hard look at your Plan, your organizational structure, your effectiveness.

We must be able to move with these public expectations, or we may find ourselves ignored.

In our corporate objectives, NABSP is addressing itself to assist Plans in overcoming these problems.

1. We will expand and improve the ability to assist Plans in recognizing managerial, operational and financial difficulties.

2. We will mobilize the resources of Blue Shield to support quality, effectiveness, and economy in providing health care services.

3. We will exercise the authority the Plans have entrusted to us to set and maintain standards of performance.

4. We will strengthen the identity of Blue Shield nationally and its special relationship and dominant role in medical prepayment.

5. We will support Plans in developing alternate forms of delivering health care.

GOVERNMENT PROGRAMS

As far as government programs are concerned, I believe it is time to take a long, hard look at them, especially Medicare. What it is, what we are, and what we are doing. We must make some decisions about the future.

Soon, a new set of guidelines will be forthcoming from SSA, and these will place even further restriction on Part B carriers in administering the program. In short, we are feeling pressure to become more of a simple administrative vehicle for the Social Security Administration. This is more than just a concern for the slow erosion of our role. It also affects our ability to perform for Medicare recipients and our private subscribers in what we feel is their best interest.

So, what do we do?

First, let me say that I'm not advocating that we all mail back the contracts to SSA. But I believe we must take a firm stand and be prepared to support it.

We represent 79 million Americans in one way or another, and it's incumbent upon us to make sure we represent them to the fullest possible extent, and in the best manner

we know how. We want to serve Medicare just as much as we do our largest private accounts, because Blue Shield is committed to serving the entire community in whatever way we can. I, for one, think we should be dealing from the strengths that Blue Shield possesses.

If we don't feel that the terms and conditions best serve not only the beneficiaries, but the interests of our 66 million dues-paying members, it's time to say so and negotiate accordingly.

PRIVATE MARKET

I have mentioned the serious concerns of our private market about cost containment and improved performance, which in this context mean efficient, effective, and economic delivery of benefits. Our abilities in these areas are directly related to my conviction that Blue Shield must remain sensitive to the demands of the market, but cannot continue to provide crazy quilt coverage for the sake of boosting year end enrollment figures. This practice became the norm during the late 1950's, and today we may be paying dearly for our desire to "meet the competition."

It is interesting to me that when we established quantitative enrollment goals, "meeting the competition" almost always meant lowering Blue Shield standards. This is unfortunate.

NABSP has developed a comprehensive contract to assure uniform definition of benefits in support of uniform administration. Obviously, there is still need for flexibility in programming by having varying scopes of benefits available. But this flexibility must have reasonable limits.

If we are convinced of the merits of the service benefit philosophy, then our primary thrust in the market place should reflect this. Blue Shield's acceptance by federal employees seems to be evidence of a genuine desire of the public for quality coverage. At the same time, this type of program will insure better response to the demands for improved performance and effective cost containment.

I don't offer these remarks as criticism of what Plans have done regarding benefits. Neither do they serve to solve your present problems. But perhaps we should be moving more actively in the future toward a higher quality of coverage, in the interest not only of protecting the subscriber, but of more effective administration.

CONCLUSION

Let me conclude by citing an article on the British National Health Insurance program, which appeared in the Chicago Tribune on Monday .

According to the report, a survey conducted by the Institute of Economic Affairs showed that most Britons would prefer to make their own arrangements for improved health insurance.

Only 29 per cent said health services should be improved by the state taking more in taxes.

Seventy per cent said they would prefer smaller contributions to the National Health Service while they made, and paid for, plans for private health insurance.

The article pointed out that private health plans have become a fringe benefit for employees offered by several large companies.

We are, of course, familiar with this situation because the British United Provident Association (BUPA)—is an affiliate of Blue Shield. And its membership has grown from a small group to more than 1½ million persons today.

What I am trying to emphasize again is that the private sector in health care has certain unique features that the public likes because health care is a personal thing.

We must see that what we have to contribute is retained in our system of health care.

We can strongly influence the ultimate pattern—*IF* we are performing our functions well; *IF* we have a strong unified voice; *IF* we can convey our message effectively to Congress; *IF* we can generate renewed support and confidence from the public.

These things are not going to happen by themselves, and no one is going to make them happen for us. But they are attainable. If we believe in ourselves—if we believe that what we are doing is worth doing—we can make them happen. The key is involvement, not just by staff, but by Boards of Directors and everyone else who associates himself with Blue Shield. We have come too far not to go the rest of the way.

NED F. PARISH.

## WEST CHESTER BOYS CHOIR IN INTERNATIONAL FESTIVAL

Mr. SCHWEIKER. Mr. President, recently the boys choir of the Church of the Holy Trinity, West Chester, Pa., was invited to participate in the Graz International Youth Music Festival, to be held in Graz, Austria, from July 11 through July 15, 1972.

I am delighted by the honor which has been bestowed upon West Chester, Chester County, and the State of Pennsylvania by this invitation. I am confident that the boys choir will be outstanding ambassadors of good will for Ameria, and that their appearance at the International Youth Music Festival will be a success.

An article describing the boys choir invitation was published in the West Chester Daily Local News on April 14, 1972. I ask unanimous consent that it be printed in the RECORD.

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

BOYS CHOIR GETS INVITATION

If a group of West Chester choir boys can find a few angels, they will be spending at least a week this summer in Europe, singing at a music festival.

An invitation to take part in the Graz (Austria) International Youth Music Festival in July has already been sent to the Boys Choir of the Church of the Holy Trinity in the county seat.

If the young singers make the trip, they will be one of 30 musical groups to participate in the week-long festival. Included are choirs, choruses, orchestras and bands from North America, Western Europe and Scandinavia.

The Holy Trinity Choir is one of only three U. S. boys choirs invited.

Hosting the festival is the Youth Departmental of the Styrian Provincal Government, Republic of Austria. Graz, the host city, is nested in the Styrian Alps and dates back to the 12th Century.

The Holy Trinity invitation came in January to Mrs. Jane Adams Moore, the choir director.

At that time, the trip seemed out of the question, as costs would run about $13,000 for air transportation, lodging and meals for the 28 boys and their chaperones.

However, the enthusiastic choir director and some of the boys' parents didn't give up on the possibility of making the trip. Parents meetings were scheduled, and after a final session with the church vestry this week, it was decided to make every effort to send the choir to Graz.

The parents, working through Ralph Zaayenga, church music committee chairman, have pledged a substantial portion of the money needed, but the total figure has not been reached. No church funds will be used to make the trip, but a number of activities have been planned by the choir and parents.

Included are a pancake breakfast from 8 a.m. to noon, May 13 at the parish house; a car wash at Knox's Car Wash, E. Market Street, from 9 a.m. to 4 p.m. May 20; and a concert at the church at 7:30 p.m., June 17. A dinner dance is also in the planning stage for May 6.

Day of decision for the boys is June 10. If, on that date, the additional money needed is raised, the trip is on. A lack of funds then means the trip will be postponed for a year.

The Boys Choir of the church is part of a larger Mens and Boys Choir which was founded at Holy Trinity in 1891. There are currently 37 boys, aged 7–15 singing. Another 15 men make up the entire choir.

Some of the younger boys will not make the proposed trip because of the probable hectic schedule such a festival entails.

Concerts are not new to the Holy Trinity boys. During the past 18 months they have performed at the White House Rose Garden, the capitol rotunda in Harrisburg, the New York Civic Opera House, the State Museum Building Auditorium and a number of churches and organizations in three states. During the holidays the boys also sing in area nursing homes.

All of their concerts include both sacred and secular music, and their recent presentations have featured Gilbert and Sullivan's operetta "Trial by Jury."

Much of the concert work is done by a select group of about 20 of the "older" choir members who have formed the Trinity Choir Boys.

First and foremost, the choir is a church choir, and the boys normally rehearse about five hours a week for the Sunday service. However, that time is now being extended and some strange European folk songs are finding their way into the Holy Trinity repertoire.

If enthusiasm alone can make a dream come true, the boys choir will be winging its way to Austria come July 10 for the week-long musical event.

If the trip becomes a reality, the 28 boys will be ready to "make a joyful noise . . ." in the storied old city of Graz.

## DEVELOPMENT OF RURAL COMMUNITIES

Mr. MILLER. Mr. President, much is being said and written today about the urgent need throughout the Nation for rural development. Technical advancements during the past two decades have revolutionized farming to the extent it no longer is the predominant source of rural area employment. During this period, large numbers of people have migrated from rural to urban areas to seek job opportunities—not necessarily in accordance with their wishes, but because they have been forced to do so. This migration has contributed substantially to the twofold problem we are presently experiencing—urban sprawl and the deterioration of rural services.

To correct these problems, as I have been urging since I came to the Senate in 1961, we must turn to the devlopment of our rural communities and convert them into places of opportunity, thus insuring our rural youth that they can remain in their communities and build their future. It will be a great day when we also can encourage those who have left and wish to return, that they can do so. The accomplishment of these objectives should be placed among our top priorities.

In this regard, I have been encouraged by the contributions the Farmers Home Administration of the U.S. Department

of Agriculture has been making under the leadership of Administrator James V. Smith. In fiscal year 1971, $59.6 million was pumped into the rural Iowa economy through various FHA programs to stimulate agricultural and community development. Major uses of the funds include $9.7 million in loans to 304 families to purchase farms; $11.6 million in loans to 1,400 farm families to operate farms; $19.4 million in housing loans to 1,849 rural families enabling them to become homeowners; $4.4 million in loans for 86 rental housing units to provide decent housing for young families, senior citizens and those with lower incomes; $7.9 million in loans and grants to 36 small towns and nonprofit organizations for water supply systems; and $4.8 million in loans and grants to 30 rural communities for waste disposal systems.

This, I submit, Mr. President, is rural area development. These FHA services provide for better living and contribute significantly to creating new job opportunities in our rural communities.

One such community in which this happened, for example, is the town of Fairbank, located in the northwest corner of Buchanan County and the southwest corner of Fayette County. This town is surrounded by rich farmlands. For years, with farming as its base of economic support, Fairbank showed steady growth.

However, in recent years, as farms began to enlarge and the number of farms dropped, the number of farms in Buchanan County decreased—by 270 units during 1962–66 alone—and trouble set in for Fairbank. In the early 1960's the local creamery closed; this was followed by the closing of two implement businesses and several grocery stores. The doctor left town; the high school moved to another town. The population growth leveled off as people disappeared to other areas in search of opportunity. Additionally, the State health department was pressing the town on the elimination of pollution of the river resulting from the drainage of cesspools and septic tanks.

The townspeople knew something had to be done. They realized their financial limitations and began to search for help. They turned to the Farmers Home Administration to help augment their own resources.

Working closely with this agency, Fairbank has succeeded in building a sewer collection and treatment system. This was followed by a community swimming pool and an adjacent city park. Two private rental housing projects have been constructed, along with 37 new homes. A number of new businesses have come to town, including a grain elevator and feed company, two auto body shops, a laundromat, a plumbing shop, a restaurant and eight new stores. These businesses have created 30 new jobs. Indeed, the Fairbank community has come to life again. The new census shows population up—from 650 in 1960 to 810 in 1970.

Mr. President, Fairbank, Iowa, is only one example of what Government agencies like the FHA can do in helping small rural communities which have the will to help themselves. Of course, the real story for success lies in the initiative of local people who determine their needs and are determined to meet them. But when they do, it is good to have a government that is willing to lend a helping hand.

## THE ONLY FUNCTION OF A HANDGUN

Mr. KENNEDY. Mr. President, reasonable Americans realize that handguns have no redeeming social value. Indeed, the only functions of a handgun is to put a bullet through something. And in 1971 more than 10,000 people died by gunfire. Over half of them were killed by handguns. All guns are lethal. Yet, they are so widespread that nearly every civilian has access to them. Some estimates suggest that each man, woman, and child could be armed with the existing arsenal of civilian-owned firearms. The continued uncontrolled use of guns can only add to the senseless killing reported in daily press accounts.

The Wall Street Journal, the Boston Globe, the Washington Sunday Star, the Washington Post, and the Christian Science Monitor have all carried articles this week about the senselessness of "guns in America." I believe that Senators should review each of these presentations. I, therefore, ask unanimous consent to place in the RECORD several articles from recent issues of these publications that logically substantiate the need for a Federal system of gun control.

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

[From the Sunday Star, May 21, 1972]

WHAT TO DO ABOUT POLITICAL ASSASSINATIONS

Ever since there have been kings, there have been regicides. The quest for power and the exercise of it have, since the dim beginnings of time, attracted assassins and would-be assassins. This has been true of every culture and of each society.

Thus Monday's shooting of Governor Wallace at Laurel produces shock but not surprise: The act is abhorrent but it occurs too frequently to be unexpected.

In these United States, Wallace was the tenth man seeking or holding presidential office to be the target of an assassin. The Alabama governor, Andrew Jackson, the two Roosevelts and Harry S. Truman survived attacks; Abraham Lincoln, James Garfield, William McKinley and the Kennedy brothers did not. It is worth noting that in nine out of 10 of these cases (the exception being the murder of President John F. Kennedy), the weapon used by the assailant was a handgun.

The fact that the first assassination attempt made against an American President took place 137 years ago, however, should not be allowed to obscure the fact that the pace of political carnage has been stepped up in recent years. In the past nine years, seven political figures—Medgar Evers, President Kennedy, Malcolm X, George Lincoln Rockwell, Dr. Martin Luther King, Senator Robert F. Kennedy and Governor Wallace—have been gunned down.

At the same time, there has been a sharp increase in the level of nonpolitical crimes involving the use of guns. Last year alone, some 10,500 Americans were murdered by gunmen, 80,000 were wounded and 220,000 others were robbed at gunpoint. When one considers that an American is killed or wounded every two minutes, it becomes clear that most of us should be receiving combat pay. Since the turn of the century, more than 800,000 Americans have been killed by firearms in this country, far more than have died at the hands of all our enemies in all our wars.

The increase in the rattle of gunfire has been accompanied and made possible by a massive proliferation of firearms to the point where the United States of America has become, literally, an armed camp. In a nation of less than 210 million people, there are, according to the National Commission on the Causes and Prevention of Violence, 35 million rifles, 31 million shotguns and 24 million handguns, or nearly one firearm for every two men, women and children in the country. An additional 2.5 million handguns are manufactured or imported into the country every year. Given minimal maintenance, a gun will last virtually forever, so the presumption must be that most of these new guns are not replacements but additions to the already huge stock.

Nor can anyone who has grown up in the age of television be laboring under the misapprehension that guns are for hunting or shooting at inanimate targets. According to Representative John M. Murphy of New York, the average American child, by the time he is 15, "has witnessed 18,000 individual murders on the television screen." The effect of television mayhem on the sort of deranged person who might consider committing a political assassination can only be guessed at. But the conclusion of the presidential commission on violence that "our constant flirtation with actual violence may be (one of the) factors that bring him at least half-way to his distorted perception of what actions are right and legitimate" is too reasonable to be argued with.

We have, then, an increase in the level of non-political crime, a proliferation of firearms with an emphasis on the assassin's favorite weapon, the handgun, and the stunning impact on the minds of young and impressionable people of repetitive television violence. Add to this equation a fourth factor—the insistence of presidential candidates on mingling with crowds—and you have the recipe for Monday's tragedy at Laurel.

For the fact is that no number of Secret Service agents can guarantee the life of a candidate who, as Lyndon Johnson used to put it, insists on "pressing the flesh." When Wallace was gunned down, Secret Service agents, an Alabama state trooper and private guards were at his elbow, and two of them were struck by the would-be assassin's bullets.

We know that certain types of politician (Robert Kennedy and Wallace are examples) feed upon the emotions of a crowd. Senator McGovern stated, in the aftermath of the Wallace shooting, that his "whole campaign is based on contact with people" and that he has no intention of changing his style. Senator Humphrey has issued a similar statement. Even President Nixon, who is among the most remote of men, seized the occasion less than 24 hours after Wallace was shot to mingle with a crowd of tourists outside the White House.

Authoritarian societies are relatively safe ones, but the price paid for that security is too great. In a free society such as ours, there always will be political assassinations. But if we cannot prevent the murder of our Presidents and our presidential candidates, we can and should do what we can to reduce the incidence of such crimes.

One of the things that can and should be done, as we noted in these columns on Wednesday, is passage of effective federal legislation to halt the proliferation of handguns. We oppose any form of licensing or registration of the 66 million rifles and shotguns, which have legitimate uses for sport and self-defense. But handguns are of no use other than to shoot people, and we would like to see a flat ban on their manufacture, importation and possession.

The gun lobby—and that means the National Rifle Association, various hunting groups and the gun manufacturers and retailers—has effectively gutted such legislation in the past. Since many of their members presumably were Wallace supporters, it is pos-

sible that the gunning down of the governor may moderate their position.

"Register Communists, Not Guns." "Guns Don't Kill People, People Kill People." There is an effective answer to these hackneyed slogans of the gun lobby and it is that if there were not so many handguns, people would not find it so easy to kill people.

We do not at this time favor any form of censorship to control the level of violence on television. But the networks must recognize that they have a social responsibility to monitor this aspect of their product. If enough people complain—and switch to another channel—when the gore flows too frequently, explicitly and deeply, the networks will get the message.

The presidential candidates themselves have an obligation not to take unnecessary risks. Our country would lose a great deal were the President—and those who aspire to that office—to stand totally apart from the people, remote beings seen only on flickering TV screens.

But there are sensible precautions that can and should be taken. The bullet-proof podium behind which Wallace spoke at Laurel is one of these. He was shot when he emerged from behind this and mingled with the crowd; he had a bullet-proof vest in the trunk of his car, and he should have been wearing it. The bullet-proof bubbletop car should become standard equipment for campaigning. And finally, candidates should not plunge into crowds except at indoor meetings, where spectators can be screened by metal detectors.

Such precautions are an imposition upon both the candidates and the people. But the fact has to be faced that these are violent times in which we live, there are sizable numbers of disturbed people at large and these people enjoy easy access to readily concealable handguns.

If democracy as we know it is to survive in this country, there can be no open season on those who seek or occupy high public office. Each of us must make it his business to see to it that the shooting stops.

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[From the Washington Post, May 17, 1972]

GUNS, THE GOVERNOR, AND THE CONGRESS

As Governor George Corley Wallace lay under the scalpels of a team of this area's finest surgeons Monday night, candidates for President, statesmen and politicians of all stripes took to the television stump to deplore "senseless violence" in our society, to wonder about the health of the body politic and to raise deep questions about the strong current of violence running just millimeters under the surface in our country. Too little is known at this point, it seems to us, about the suspect in the Wallace shooting to draw any sweeping conclusions as to whether this act illuminates dark recesses in all the rest of us or indeed as to what this all means or will come to mean in the political processes of the United States.

We do know a few things, though. First, Governor Wallace was shot with a hand gun. Second, the man whom federal and state authorities have identified as the suspect in the shooting was arrested last October in Wisconsin on a concealed weapons charge. Finally, we know that gun control legislation has been dragged before an unwilling Congress year after year—to no avail.

Yet, there we all were, on Monday, May 16, 1972 with a presidential candidate cut open on an operating table, with our leaders crying about his spilt blood and with the memories of Friday, November 22, 1963, Thursday, April 4, 1968 and Wednesday, June 5, 1968, etched indelibly in our minds and upon our collective spirits. And still, through all the days of all those years of grief for our honored public men, for peace officers by the score and for unnamed and little noted private citizens, murdered, maimed and accidentally killed by private weapons in unlicensed hands, we have not been able to pass the sort of gun control legislation that would make these grievous public and private events much less likely to occur.

Today, May 17, 1972, the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee can and should seize the occasion to bring us out of our national delinquency. The committee meets this morning to consider various proposals for regulating the use and circulation of guns in our society. This newspaper has long advocated strong gun control legislation and we see no earthly reason to urge any less today. We believe that handguns should be available only to authorized military and law enforcement personnel and to others only upon the most carefully circumscribed showing of need or in gun clubs where their use is strictly limited to sporting purposes. All long guns should be registered and their owners licensed to use them. Such legislation has long seemed reasonable, necessary and even urgent to us. Nothing underscores the urgency of such legislation more than the lifelong paralysis now predicted for Governor Wallace.

We do not argue that the passage of such legislation will make every presidential candidate safe from attack or that it will eliminate gunplay from our national life. We recognize that there are millions of guns in private hands all over the nation and that even after the passage of strong regulatory legislation, there will be a virulent black market in illegal weapons. Nevertheless, it cannot be denied that strong regulatory legislation strictly enforced might have made it harder for a man picked up on a weapons charge last October to acquire a snub-nosed 38 in January—as the suspect in the Wallace shooting is said to have done. And it might make it harder for a lot of other people to acquire weapons too, thereby saving the lives and health of a number of politicians, wives, mothers, policemen, lovers, strangers. The passage of such legislation would do much to change the atmosphere in this country at a time when our doubts about violence in our national life trouble us deeply.

Finally, it seems to us that our leaders—all of those presidential candidates, including the President himself—who were so fulsome in their denunciation of violence two days ago might strike a more positive note by setting forth clear positions favoring strong gun control legislation. Governor Wallace, himself, could do the nation a great service by reconsidering his strong position in opposition to gun laws. For in the end, it is useless to deplore "senseless violence," no matter how passionately and eloquently, while doing nothing about it, just as it is senseless to ignore a practical opportunity right at hand to begin to curb that violence.

Strong and sensible gun control legislation should be passed by the Congress now.

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[From the Boston Globe, May 18, 1972]

MAYOR DALEY RENEWS PLEA FOR HANDGUN BAN, ASSAILS RIFLE GROUP

(By Harry Golden, Jr.)

CHICAGO.—Mayor Richard Daley renewed a plea for a nationwide ban on hand guns as he spoke emotionally yesterday of his prayers for Gov. George C. Wallace.

At a press conference, Daley deplored the shooting of Alabama's governor on Monday.

"It was a dastardly act and a tragedy in the American Society," Daley said.

Daley declared that Congress should now do some "soul searching," and that, if congressmen and state legislators "have any guts," they would act promptly to outlaw the manufacture or sale of all hand guns for private citizens.

It was understood, from Daley's past statements, that manufacture of hand guns would be permitted for police and the military. Rifles and shotguns would be exempted from the ban.

As to his own safety, Daley said: "I'm not afraid to die. I know that some day you'll die and I don't care how it happens. The Lord is the only one who will determine that. But I don't fear it.

"I have no fear for my life. Who would want to kill me? I haven't done anything to anyone. I'll continue to meet the people of Chicago and I've been doing it for 17 years and I'm not concerned."

Daley declared: "It's about time the US Congress would stop kidding themselves about (opposition of) the (National) Rifle Assn. You don't shoot game with a hand gun. The hand gun is used to kill human beings."

The mayor also decried and called for action by lawmakers and citizens to stop:

Importation of handguns and their delivery through the mails or by express service.

Disruptive demonstrations and what he called, "UnAmerican heckling," and he charged there is encouragement of these practices by some educators, clergymen and communications media.

Political criticism characterized by "hatred" and "viciousness."

"Glamorizing of violence" by television, radio and newspapers.

Daley said: "I think all of us are responsible in a way . . . we prayed last night around our family table. We said a decade of the rosary for Gov. Wallace that he would recover."

The mayor said former Police Superintendent Orlando W. Wilson told him that 65 percent of violent crime could be traced to portrayal of violence in communications.

Daley also said that Chicago last year confiscated 14,000 handguns.

"How many handguns have been registered?" (under a Chicago ordinance) Daley asked. "How many are unregistered? Every one of these is a potential killer . . . and we have people running away from gun legislation. A lot of guys holding high public office are running away from it."

"For what? For fear of recrimination? If I'm going to be intimidated about that, I don't want to hold public office."

Daley suggested that political campaign techniques may change in the light of the assassinations of President Kennedy, Sen. Robert F. Kennedy and Rev. Martin Luther King Jr., and the attempted assassination of Wallace.

In response to a question, Daley said: "Would you continue to campaign with this happening in our country?"

"My God!" he said. We have had the killing of a President. We have had the killing of his brother. We have had the assassination of a religious leader. And now we have the shooting of a man who is a presidential candidate.

"I would also hope that those great disciplines of hatred and viciousness would stop their attacks on one another. Even in these critical hours we read statements.

"My God, what kind of society have we? He (Wallace) has a right to express his views if this is America without being hit with bricks . . . here is a presidential candidate who goes around our country and is heckled."

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[From the Wall Street Journal, May 18, 1972]

THE GUN—IT WAS A TYPICAL DAY: AN AIRMAN KILLED SELF AND A LOVER WAS SHOT

Samuel O. Cunning, William Earl Evans, Julius J. Osstifin, Gerardo Manfredi, Richard Hurley, Linda Taylor, Jerry Flack, Ronald Hardiman, Stephen Williams, William Dell Chappel, Johnny Carr, Roy Lee Stout. And almost George Wallace.

George Wallace wasn't killed by gunfire on Monday, Samuel O. Cunning, William Earl Evans, Julius J. Osstifin, Gerardo Manfredi, Richard Hurley, Linda Taylor, Jerry Flack, Ronald Hardiman, Stephen Williams, William Dell Chappel, Johnny Carr, and Roy Lee Stout—among others—were. All died from gunshot wounds during the 24-hour period from midnight to midnight Monday, May 15—the day that Alabama's Gov. Wallace was

critically wounded by a would-be assassin's bullets in a Laurel, Md., shopping center.

Final statistics on the day's toll of gunshot victims—whether by murder, suicide or accident—haven't yet been compiled. If Monday was an average day, however, it's expected that the number of gunshot deaths was as high as 57—the average number of people killed in the U.S. every day by guns. (The yearly gun-death toll is about 21,000.)

The anatomy of Gov. Wallace's wounding is by now well known to any American within reach of a newspaper, radio or television set. But how did Stephen Williams die? How did Linda Taylor lose her life? In an attempt to further understand what is behind the many U.S. gun deaths, Wall Street Journal reporters across the country interviewed medical examiners, policemen, sheriffs and other law officials this week. Who was killed by gunfire on Monday, May 15? the interviewers were asked. Who were the killers? How and why did the shootings occur? Where did the guns come from?

The answers in most cases were incomplete. Certainly, there was no particular pattern that emerged. But there was one common denominator: a moment of extreme violence that left someone dead.

SAMUEL O. CUNNING

One of the earliest moments of violence in the U.S. that Monday took place in Dallas. About an hour after midnight, a 19-year-old gunman, L. D. Webb, is alleged to have entered an apartment and said to the occupants, "Put your jack on the table."

No one in the apartment complied with the gunman's order. And a few minutes later, Samuel O. Cunning, a 19-year-old lineman for the General Telephone Co., was pronounced dead on arrival at Parkland Memorial Hospital—the same hospital that made headlines following the assassination of President John F. Kennedy. Mr. Webb was subsequently charged with murder.

WILLIAM EARL EVANS

Parkland was busy during the early morning hours Monday. At 1:45 a.m., 28-year-old Dorothy Locke called Dallas police and told them she'd shot William Earl Evans, 29, with a .22-caliber pistol. He, too, was pronounced dead on arrival at Parkland.

Police say Miss Locke told them that she and Mr. Evans had been going together for seven months and then had broken up. On Sunday, the day before Mr. Evans' death, she complained to police that Mr. Evans was pestering her; the police warned him to leave her alone. He apparently did. But then, police say, Miss Locke told them that Mr. Evans returned very early Monday morning and tried to break into her residence. According to police, Miss Locke said she threatened to shoot Mr. Evans, and he replied, "I'm coming in. I'm going to die tonight. Shoot me."

Miss Locke has been charged with murder, and her case has been remanded to a grand jury. The weapon, police say, was a German Rohm, model RG8. A Dallas police spokesman says, "Sometimes it seems like 90% of our murders are committed with these RGs. They start at $8.50. The (model) 8 is the cheapest."

CAPT. JULIUS J. OSSTIFIN

At about the same time that William Evans was returning to Dorothy Locke's apartment, Julius J. Osstifin, a 33-year-old Air Force captain, shot himself to death in his residence in Mad River Township, Ohio. According to the report of C. D. Lett, deputy coroner in the Montgomery County coroner's office, the county sheriff's office "advised that the deceased was found in the kitchen of his residence."

"They (the sheriff's office) had received the dispatch to this residence from the wife," Mr. Lett's report states, "due to the fact that she had spoken to her husband on the phone and he advised that he was going to shoot himself upon the count of three, and then she heard the gun go off."

Mr. Lett's report identifies the suicide weapon as "a .32-caliber Harris & Richardson model 732, serial number AM50717." An investigation determined that the gun had been purchased by Capt. Osstifin from Rink's Department Store, a discount house in nearby Dayton. And a check of store records showed that the sales clerk involved in the purchase was Wilma Jordan.

"Oh, God," Miss Jordan exclaims. "I remember selling a hand gun to a young guy from out at Wright-Patterson (the Air Force installation where Capt. Osstifin was based) about that time." The time was last September, and Miss Jordan says the information card she filled out at the time of the sale shows that the buyer was five-feet-nine-inches tall and weighed 162 pounds. Retail price of the weapon was $48.88.

Miss Jordan says she can't recall what reason Capt. Osstifin gave, if any, for wanting to purchase the gun. She says, however, that she often refuses to sell hand guns "if (customers) are acting funny—and always if they've been drinking." She adds: "The bad part is that you just never know what they'll be used for. That's what makes you feel bad."

Why did Capt. Osstifin take his own life? According to Mr. Lett's report, Mrs. Osstifin told him "that her husband had been depressed in the past year due to two facts: 1. That his brother was killed in a fatal accident (auto) in Toledo on May 15, 1971 (exactly one year earlier) and 2. that she had filed suit for divorce." Mrs. Osstifin also told Mr. Lett that her husband had written a suicide note in August 1971 but didn't take any further action at that time.

GERARDO MANFREDI

As suicides go, the information surrounding the death of Capt. Osstifin is voluminous. By comparison, little is known about what drove Gerardo Manfredi, a 66-year-old retired postal carrier, to shoot himself last Monday morning on a road near Reno, Nev.

At 10 o'clock that morning, Mr. Manfredi walked into a Reno sporting goods store and bought a used .38-caliber revolver for $30. During the transaction, he complied with the 1968 Federal Gun Control Act by giving the store his name and address and signing a statement that he wasn't an ex-felon. He then got in his car, drove outside the city limits and, at 10:15 a.m., shot himself in the head.

Mr. Manfredi's body was discovered by a passing motorist five minutes later. He left a son and brother; his wife had died two years ago. The brother later said that Mr. Manfredi had recently been acting despondent without any apparent reason. And while Mr. Manfredi left a note of instructions in his car—including details of whom to contact—he left no explanation for his suicide.

RICHARD HURLEY

Explanations are also lacking for the circumstances surrounding most of Monday's murders. A case in point is the death of Richard Hurley, a 43-year-old San Franciscan who, police say, was murdered sometime shortly after the day began. The murder took place in what police described as a middle-class rooming house at 1482 Sutter St., an area of respectable moderately priced apartments and residence hotels just a few blocks from downtown.

There are a few additional facts: On Monday morning, a tenant of Mr. Hurley's building called the manager and complained that water was dripping down from the apartment above. When the manager went up to investigate, she found Mr. Hurley lying on his back on the floor near his bed. She assumed, she later said, that he was drunk. The manager then said she looked for the building's maintenance man and asked him to lift Mr. Hurley into bed. When she returned with the maintenance man, she said, they noticed blood and called the police. The time was 2 p.m.

It's also known that Mr. Hurley was unemployed and had a record of 25 arrests for such offenses as the sale and use of heroin and marijuana; burglary and robbery. Heroin was found in his room and his pockets had been rifled. And the victim had been shot to death.

San Francisco police surmise that Mr. Hurley got into some sort of argument over the sale of narcotics and was murdered. But they have no solid evidence or any suspects thus far. Nor did they find the murder weapon—or even a slug or casing—so they don't know the size of the bullet that killed Mr. Hurley. All they know is that his gunshot wound was fatal.

LINDA TAYLOR

In some of Monday's gunshot murders, police say they know *who* killed the victim, but they're not certain *why*. Such are the circumstances that surround the death of 22-year-old Linda Taylor of Baltimore. Mrs. Taylor, police say, was fatally shot in the head with a bullet from a .22-caliber rifle owned by her husband, Thomas Melvin Taylor, who has been charged with murder.

The shooting of Mrs. Taylor took place at 10:30 Monday night in a row-house district on the border of Baltimore's downtown. According to Lt. Thomas McKew of the Baltimore police, Mr. Taylor ran out into the street immediately after the shooting and yelled that his wife had shot herself. But upon questioning by police, Lt. McKew says, Mr. Taylor admitted that it was he who pulled the trigger.

According to Lt. McKew, Mr. Taylor claims the gun went off accidentally. Police, however, say they believe the shooting was intentional—although they say no motive has been established. Lt. McKew says that Mr. Taylor bought the rifle some time ago from a coworker.

JERRY FLACK

Law officials say they do know the motive behind the Monday evening shooting death of Jerry Flack. Mr. Flack, 25, of Shelbyville, Tenn., was shot seven times while in a car owned by Louis C. Smith, 25, of Tullahoma, Tenn. Mr. Smith was jailed on a first degree murder count. According to Franklin County Sheriff David Braswell, the two men had argued "about some girl."

The shooting of Mr. Flack took place near Winchester, Tenn. Sheriff Braswell describes the murder weapon as a .25-caliber automatic. Mr. Smith, Sheriff Braswell says, told law officials he had purchased the gun two weeks earlier for $41 at the Big-K Department Store, in Tullahoma.

RONALD HARDIMAN

Other romantic entanglements reached bitter conclusions on Monday. At 4 a.m., according to Chicago police, Ronald Hardiman, 25, was shot and killed by Roxanne Murphy, 19, his ex-girl-friend. Police say Mr. Hardiman was shot at the doorway of Miss Murphy's second floor South Side apartment when he tried to crash a party that was in progress. Miss Murphy has been charged with murder.

Police say Mr. Hardiman was hit once in the chest with a .22-caliber bullet. The murder weapon, they add, wasn't registered. Miss Murphy said she obtained the gun from a friend, police reported.

STEPHEN WILLIAMS

But unlike the case of Mr. Hardiman and Miss Murphy, or that of Mr. Flack and Mr. Smith, or that of the Taylors, Josephine Wade of Philadelphia didn't previously know Stephen Williams, the man she killed with a gun about an hour before Gov. Wallace was felled. According to police, Mrs. Wade, 53, was alone knitting in her apartment when she heard strange noises. She later told police that she went to her bedroom, picked up a .22-caliber revolver that she kept there and went to the top of the stairs. Coming up the stairs was 23-year-old Stephen Williams.

Police say that Mrs. Wade fired four shots and that Mr. Williams died at a nearby hospital 30 minutes later. Police also say no weapon was found on Mr. Williams. They

add that Mr. Williams had broken into the basement of Mrs. Wade's building and had knocked down the door leading to the first floor—even though the door had extra locks that Mrs. Wade had installed after a robbery.

Police say they are investigating whether Mrs. Wade was in legal possession of her gun. In Philadelphia, a law states that any gun or other firearm that is bought, transferred or brought into the city after March 15, 1965, must be registered with the Department of Licenses and Inspections. A cursory check, police say, showed that Mrs. Wade's gun wasn't registered.

There is no question, however, that the death of Stephen Williams, statistically speaking, was highly unusual. According to a 1969 study for the National Commission on the Causes and Prevention of Violence, only 2% of home robberies and 0.2% of home burglaries result in the death of an intruder at the hand of a householder. On the other hand, the report states, for every robber stopped by a homeowner with a handgun, four homeowners or members of their families are killed in handgun accidents.

WILLIAM DELL CHAPPEL

Chicago police officer Eddie J. Green, 35, was out of his home (and off duty) when he shot and killed William Dell Chappel, 28, at 4:40 a.m. Monday. Police gave the following account: Mr. Green, a vice unit officer, was placing an order at a drive-in restaurant when Mr. Chappel reached through the window of Mr. Green's car and grabbed the officer's money clip containing $130. A companion of Mr. Chappel tried to keep the officer, who was in street clothes, in the car by holding the door shut, but Mr. Green struggled free and chased Mr. Chappel to a nearby vacant lot.

According to Mr. Green's account, police say. Mr. Chappel then turned, reached into his pocket and said. "Get back or I'll blow your head off." Mr. Green then fired his 38-caliber police revolver three times, hitting Mr. Chappel twice in the stomach and once in the leg. Police say Mr. Chappel apparently was unarmed.

JOHNNY CARR

But deaths at the hands of others resulting from self-protection, or passion, or the violence that often accompanies illicit activities, are only several types on the gun-fatality spectrum. Arguments among friends, relatives and neighbors can also take their toll—as happened early Monday afternoon in the vicinity of Los Angeles. According to police, Thomas Barnes, 55, became enraged at a neighbor, Johnny Carr, 58, while paying a visit to the Carr home. Mr. Barnes, police say, had argued with Mr. Carr's wife and then walked out into the front yard where he confronted Mr. Carr.

The argument heated up, police say, with both men trading insults. Then, police say, Mr. Barnes pulled a .22 revolver from his pants and shot Mr. Carr five times. Sheriff's deputies arrested Mr. Barnes on suspicion of murder, but no formal complaint was immediately filed.

ROY LEE STOUT

And then there are accidents. "He was always extra careful," says Police Capt. Michael Sypko of Roy Lee Stout, a six-year veteran in the Somerset, Mass., police force. "He always kept his bullets in his pocket and loaded his gun in here at the station. He wanted to protect his kids." But Roy Lee Stout died Monday at 8:15 p.m. as the result of a shooting accident in his own home.

The 31-year-old Mr. Stout, police say, was on duty with a partner when he discovered a rip in his uniform shirt. He suggested to the partner that they drop by the Stout home to have his wife, Catherine, mend it. The time was 6:20 p.m.

Inside the house, Mr. Stout laid his new chrome-plated .357 Mangum on a table. While Mrs. Stout mended the shirt, her husband went into the living room to watch television accounts of the shooting of Gov. Wallace.

Catherine Stout finished the mending and tossed the shirt to her husband. He took off his heavy pistol belt, placed it on the table beside the Magnum and started to tuck in his shirt. But his four-year-old son, Robert caught the glint of the chrome-plated revolver and "made a beeline" for it, according to State Police Lt. Gordon Clarkson, who investigated. "The kid has a replica of the Magnum and must have thought this was his toy."

Mr. Stout lunged for the revolver and shouted to Robert, "Don't touch that!" He beat his son to the Magnum, but when he placed his two hands around it, the revolver discharged—sending a .38-caliber bullet through his cheek to the back of his brain.

Roy Lee Stout died at 8:15 p.m. at Union Hospital in Fall River. He is survived by his wife, his son and two daughters, aged six and three.

"It's ironic, isn't it?" says Capt. Sypko. "He was strictly a careful man."

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[From the Christian Science Monitor, May 17, 1972]

GUN CONTROL—AND BEYOND

In the wake of the unconscionable shooting of Gov. George Wallace, for whom one prays a swift recovery, there are at least two constructive public things the American people can do.

The first is resolving to come to grips with the symbol and instrument of assassination and violence in America—the handgun. There are now probably 30 million handguns in the United States, and that total is being swelled by another 2.5 million each year. This is enough for every other household in the country to have such a weapon.

One can concede that stricter national gun control would not of itself disarm criminals nor thwart the would-be political assassin. It is true that it is people's thought, not a piece of metal, that harbors or releases murderous intent.

And yet given the staggering totals of weapons in private hands in America, and the totals of aggression involving those weapons, in good conscience one can only conclude that strict and effective gun control laws must be adopted forthwith. We would like to see the recall of all handguns, the melting down of most of them, and the use of the remainder only for special purposes and by special permit.

We believe that this is politically attainable, despite the pessimism of skeptics. Therefore, we urge that such stern control measures be pushed. Even differences in ethnic makeup cannot account for the discrepancy between American gun-crime levels and those of other nations. Britain, for instance, a year ago had only 1/300th as many gun-murders as the U.S., with one fourth the U.S. population. A return to saner levels of social conduct can only come about when the number of arms in private hands is drastically reduced. If citizens would only match the pressures brought on Congress by firearms proponents, by writing letters to their legislators, this lamentably tardy gun control could be won.

The second constructive step the people can take following the Wallace shooting is to consider the full range of violence-inciting aspects of modern life. Movies which glorify cruelty, television violence, magazines whose editorial lenses distort all events into strife—these daily poison the social climate. More basically, Americans should expose old myths about the legacy of frontier life and every-man-for-himself lawlessness. The opposite of violence is humane, honest, and democratic dealing. If one looks to a higher power for guidance in private and national affairs, having obeyed all moral and legal responsibilities, he is acting to replace violence by peace and decency.

A final point is to stress again the hopes and prayers of citizens for Mr. Wallace's swift recovery. His political viewpoint has a right to representation in national affairs. To attempt to remove him from the campaign is to infringe not only on the Governor's right to seek office, but on the rights of his supporters. This is an injustice to them and a threat to the democratic political system, which must register all views to function truly.

It would be premature to say with any certainty what the effect of the shooting incident will have on the Democratic nomination or Governor Wallace's role in it. All that can be said is that the dark cloud of violence of the past decade has appeared again, and profoundly resolute prayer and action are needed to dispel it.

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[From the Boston Globe, May 19, 1972]

GUNS ARE FOR KILLING

The romantic image of the gunbearing defender of the home is not so romantic when compared to statistics showing that somewhere between 15,000 and 20,000 Americans are killed by handguns every year. When you come down to it, there can be no good reason for the ordinary citizen to own such guns and the only way to protect society is to ban their sale on a nation-wide basis as a Senate subcommittee now recommends.

The Wall Street Journal points out that, on the day Governor Wallace was shot in Laurel, Maryland (a shooting that happily will not be included in the above statistics) 57 other persons were killed with handguns across the country.

And, according to a 1969 report for the National Commission on the Causes and Prevention of Violence, four people are killed in handgun accidents for every robber stopped by a homeowner with a handgun.

Since 1968 Massachusetts has had one of the strongest gun control laws in the nation. It requires that anyone possessing any kind of firearm manufactured after 1895 must obtain an identification card, valid for five years. To carry a handgun, a special permit, valid for up to two years, is required. This is obtained through the local police and is barred to anyone who is a convicted felon, an alien or a minor under 15, or who has a narcotics record or a history of mental instability. And the permit is issued for specific purpose, either for target shooting or for the protection of life and property, and so marked. The State Police report that 265,000 firearm IDs and 115,000 gun permits have been issued in Massachusetts.

But this does not prevent shootings, any more than it did in Maryland where a similar gun control law went into effect on March 25 this year, or in Wisconsin where the gun used against Governor Wallace was purchased for $80.

Registering guns and licensing their owners may be a help. But, as long as people own guns, it can be presumed that they will shoot them. And, as long as gun control is operated on a state-by-state basis, highly portable and easily concealed weapons will go unregistered. This is a big problem for Canada where permits to carry handguns can only be issued by the attorney general of a province but where little can be done about guns that come in across the border.

While the late J. Edgar Hoover favored the registration of firearms in every state, he upheld the constitutional right of citizens to bear arms. Not so Chicago's Mayor Richard Daley, who stated Wednesday that "you don't shoot game with a handgun. The handgun is used to kill human beings." If Congress has "any guts," he said, it should outlaw the manufacture and sale of all handguns for private citizens.

Countries that restrict the manufacture and sale of handguns have a notably lower incidence of their use in killings. The Chris-

tian Science Monitor this week reported that in 1970 Britain had 29 gun deaths, Canada had 176, France had 475, and Tokyo had 16 (though there were also 194 acts of violence involving swords and 709 involving knives and razors). The same year 9039 people were murdered by handguns in the United States.

A pathetic sidelight to all this is the inescapable fact that President Nixon was safer in China than he is at home. But the argument that a nation-wide ban on the sale and manufacture of guns with a barrel less than three inches long will not affect professional criminals and that a recall of existing guns (estimates run as high as 50 million) would be illegal as well as unrealistic, should have no bearing on the need to take action now.

The right to bear arms, written into the Constitution 200 years ago, is open to interpretation. The Old Testament, written more than 2000 years ago, says "thou shalt not kill." The handgun, under any interpretation is an instrument of death and it should not be available to the general public.

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[From the Wall Street Journal, May 19, 1972]

THE GUN: NEW MOVES TO CONTROL FIREARMS WILL NOT GO FAR IF THE PAST IS A GUIDE

(By Richard Martin)

Gov. George C. Wallace of Alabama, gunned down in a Maryland shopping center Monday afternoon, had scarcely reached his hospital bed before Chicago's Mayor Richard Daley demanded: "When in God's name is Congress going to wake up to the need to outlaw handguns?"

Others quickly took up the cry. Rev. Jesse Jackson said it's time "to demilitarize this nation. Guns are far too accessible, and those who fight to keep guns on our streets are enemies of all mankind." Mayor John Lindsay of New York renewed his call for gun-control legislation, and so did Sen. Edward M. Kennedy. "Now is the time to enact a federal system of firearms control," said the Senator.

But if the history of the past violent decade is any guide, the pleadings of gun-control advocates once again will go largely unheeded—and carnage by gun will continue to be a daily fact of American life.

Gun control has been more or less a constant issue in Congress ever since President John F. Kennedy was assassinated in 1963. While Congress debated, four more public figures were killed in the next five years—Black Muslim leader Malcolm X in 1965, American Nazi leader George Lincoln Rockwell in 1967, and Rev. Martin Luther King, Jr. and Sen. Robert F. Kennedy in 1968. Meantime, with considerably less public attention, some 85,000 other American civilians died of gunshot wounds, accidental, self-inflicted or murderous.

Finally, Congress passed the Gun Control Act of 1968, a watered-down loophole-ridden law that curtailed the mail-order sale of most guns, restricted imports of cheap weapons and required purchasers of guns and ammunition to provide identification. It was the first significant federal firearms legislation since machine guns and other weapons of mass destruction came under federal control in 1934.

But if the 1968 law has had any dampening effect on the level of gun violence in America, it's hard to discern. About every two minutes someone is killed or wounded by gunfire in the U.S. Altogether, more than 21,000 die annually by gunfire.

Guns figure prominently in crime. Besides some 10,500 murdered by gun last year, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint. In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults.

SO MANY GUNS IN SO MANY HANDS

The trend is sharply upward. Gun murders have doubled and gun robberies have tripled nation-wide since 1964, and the rates of increase are accelerating.

It seems self-evident that the reason guns are involved in so many acts of violence is that there are so many guns in so many hands. If the 1968 law keeps you from buying a mail-order gun, it certainly doesn't keep your corner gun dealer from selling you one. If the law makes cheap foreign-made guns unavailable, it doesn't staunch the flow of equally cheap guns assembled in the U.S. from foreign parts. And if the identification provision of the law would seem likely to discourage felons from buying guns, it shouldn't. Hardly anybody ever checks beyond a cursory look at a driver's license.

Studies done for the National Commission on Violence in the late 1960s showed that nearly half of the nation's 60 million households own one or more firearms—adding up to a grand total of some 90 million guns in civilian hands. The supply is increasing at a rate of about 25 million guns a year, half of them handguns—which most authorities consider the most dangerous because they're the easiest to conceal. One new handgun is sold every 24 seconds, and it's thought a used one changes hands every two minutes.

With proper care, firearms last indefinitely. Police still turn up guns made before the turn of the century, many of them stolen from collectors and other private owners and then used in crimes. Only a few states destroy confiscated weapons. In most, they're auctioned off to the highest bidder and thus returned to circulation.

A sizable majority of Americans favor stricter gun controls and have for years. A survey conducted for the Wall Street Journal on April 28, 29 and 30 by the Gallup Organization, involving personal interviews with a sampling of 1,542 persons, showed 79% of Americans favor requiring a police permit to buy any gun. Moreover, 43% say they favor outlawing entirely the private ownership of handguns; a majority of 52%, however, would oppose going that far.

Public sentiment in favor of tighter controls is nothing new. As far back as April 1938, a Gallup survey showed 84% favored requiring registration of firearms. In eight polls taken since 1959 asking the question: "Do you favor or oppose a law requiring a police permit to buy guns?" the answers have consistently run around three-to-one in favor, as the table below shows:

[In percent]

| | Favor | Oppose | No Opinion |
|---|---|---|---|
| April 1972 | 79 | 18 | 3 |
| October 1971 | 71 | 24 | 5 |
| August 1967 | 73 | 23 | 4 |
| September 1966 | 68 | 29 | 3 |
| August 1966 | 73 | 23 | 4 |
| February 1965 | 73 | 23 | 4 |
| January 1964 | 78 | 17 | 5 |
| August 1959 | 75 | 21 | 4 |

In the past six years, four presidential commissions appointed to study crime, violence and law enforcement in the U.S. have all called for strict gun-control legislation by Congress. They have urged everything from outlawing the manufacture of handguns to the licensing of all gun owners.

But there is powerful opposition to gun controls—mainly from a remarkably vocal, well-disciplined minority consisting of gun manufacturers, sellers and sportsmen who use their weapons for hunting and target shooting, not for killing people. This group is known collectively as the "gun lobby." The gun lobby cites a number of reasons—which many people consider quite logical and legitimate—for its stand.

"The reason gun-control laws are unpopular is because legislators know they will be buried under a mountain of mail from opponents," says Rep. Abner J. Mikva of Illinois, a long-time advocate of toughter controls. (Some of the mail is vituperative in the extreme. Rep. Mikva has a fat folder of abusive letters inspired by his speeches and proposed bans on handguns; staff members call it the "you-Commie-Jew-bastard file." Says Mr. Mikva: "It frightens me that some of the people who write the kind of threats I've received possess handguns with which to carry out their threats.")

The National Rifle Association, with one million registered members but purporting to speak for 30 million gun owners, is generally regarded as the lobby's prime mover, even though the NRA isn't registered as a lobby. Its well-oiled legislative mechanism can whip gun enthusiasts into frenzies of letter-writing activity against proposed laws. Tougher gun laws also are opposed by the National Wildlife Federation and other conservation groups that get much of their financial support from hunter members and gun manufacturers and that rely on revenues from state hunting and fishing licenses to finance many of their conservation programs.

The Nixon administration has also opposed tougher federal laws, insisting that gun controls are a matter of local option and that any registration, licensing or other control should be left up to individual cities and states. The administration is thought to be on the verge of trying to head off possible attempts at strong legislation now by introducing a bill that would set minimum quality standards for handguns and perhaps stiffen penalties for gun crimes. Such a bill probably wouldn't be opposed by the NRA.

FAVORITE FOR KILLING POLICEMEN

Police officers are becoming increasingly outspoken on the need to control firearm manufacture and sales, and understandably so, since practically no other weapons are used to kill policemen. FBI figures on officers killed in the line of duty from 1961 to 1970 shows 604 policemen killed by guns, including 466 by handguns. In the same period, only 29 were killed by other weapons, including six by knives, two by bombs and eight by fists and feet. Firearms assaults on policemen are increasing alarmingly. In New York City alone there were 235 felonious assaults with handguns on police officers last year, up from 150 in 1970.

Nevertheless, police departments in a number of cities, including Dallas, Milwaukee, Memphis, Minneapolis and St. Louis, are on record opposing further gun-control laws. William L. Cahalan, prosecuting attorney for Wayne County (Detroit), Mich., sums up what seems to be the prevailing—if surprising—line of reasoning among lawmen who oppose controls. "I would like to see a time when there would be no handguns in the hands of either the good people or the bad people, but you aren't going to bring about that desirable situation by more gun laws. You've got to have a public-information campaign that will change our culture, because the gun is part of our culture."

The only organization advocating tougher gun laws with any degree of vigor is the National Council for a Responsible Firearms Policy, a loosely knit Washington-based group working on a shoestring budget. It favors licenses for possession of guns, registration that holds owners accountable for their weapons and strict enforcement of state restrictions on gun ownership.

NOBODY NEAR US

Nearly all foreign countries require firearms licensing or registration, or both, and many of them prohibit private possession of handguns. Nowhere else in the world is per capita private ownership anywhere near the U.S. figure of some 135 handguns per 1,000 people. Canada has only 30 per 1,000 people. Israel, close to a state of war, has 10; Finland, the Netherlands, Greece, Great Britain and

Switzerland have fewer than five handguns per 1,000 residents. The U.S. homicide rate is far ahead of those of all other industrial nations, about eight times the rate of Great Britain, where only 18% of the murders are committed with guns.

Prohibitions on owning and carrying dangerous weapons date back at least to the Middle Ages, according to Carl Bakal, an author who has written extensively on the need for strict gun controls. In England as early as 1328 a statute forbade any man to "go nor ride armed" in places of public assembly. In 1692, the province of Massachusetts enacted a similar prohibition on carrying "offensive" weapons in public, and the law reenacted in 1795 after Massachusetts became a state. As the frontier receded in the early 1800s, many states enacted laws curbing the carrying of concealed weapons, and today carrying concealed weapons is prohibited in nearly every state.

But beyond that, there's little consistency among the states. In a 1969 study, the Commission on Violence found "state and local firearms regulation in the U.S. is a patchwork quilt of more than 20,000 laws, many of them obsolete, unenforced and unenforceable. Serious efforts at state and local regulation have consistently been frustrated by the flow of firearms from one state to another."

THE SULLIVAN LAW WAS FIRST

New York State's Sullivan Law, passed in 1911, was the first aimed at controlling ownership of weapons and is still the strictest gun law in the nation, requiring a license to buy as well as to possess a handgun. (New York City also restricts rifles and shotguns.) But New York officials complain that the easy availability of guns in other states undermines their efforts to enforce the law.

In most other parts of the country, there are few restrictions on who can buy or possess handguns, and practically none on rifles or shotguns. Anybody over age 12 can possess firearms in North Carolina—and those under 12 only need parental supervision. The minimum age for possession is 14 in Montana and Nevada, 16 in Mississippi.

A handful of states require a "cooling-off" period before buying a handgun; it ranges from 28 hours in South Dakota to 15 days in Tennessee. Some states exclude certain purchasers: Indians in Idaho, "tramps" in Ohio and Rhode Island, "prisoners" in Montana, "habitual drunks" in Kansas and aliens in Nebraska and Wyoming.

Penalties for violations vary as widely as the violations themselves. Carrying a gun illegally in Massachusetts brings a fine of $50 to $100; in Kentucky it's worth two to five years in prison. In 14 states, unlawfully used firearms aren't confiscated by police.

GANGSTER-ERA RELICS

Two of the three federal firearms-control laws on the books are relics of the gangster era, passed after a series of sensational kidnapings and machine-gun battles between police and public enemies. The National Firearms Act of 1934 requires registration of machine guns, sawed-off rifles and shotguns, silencers and unconventional firearms such as guns hidden in walking canes. The Federal Firearms Act of 1938 requires federal licensing of firearms manufacturers, importers and dealers engaged in interstate commerce and forbids "knowing" sales to fugitives and felons.

Weak as the 1968 law is, advocates of stricter gun controls insist it could be much more effective if federal agents would use it as a tool to find criminals and take their guns away from them (federal law prohibits possession of guns by convicted felons). They could do this by following up on storekeepers' records of who bought guns or ammunition. Staff members of the Senate's juvenile delinquency subcommittee in 1969 ran a spot check on records of ammunition dealers in Maryland suburbs of Washington, D.C., and discovered that 37% of purchasers had criminal arrest records. Rep. Jonathan Bingham of New York last year ran a similar check of New Yorkers who bought .22-caliber ammunition; he found that 26% had criminal records.

But federal agents—who have the authority to run such checks—simply don't do so on a routine basis.

GOOD FOR TRACING GUNS

The 1968 law has been used, however, to trace guns after crimes are committed; Treasury agents in a 27-month period immediately after the law went into effect found that their arrests for various crimes soared 410%—to 4,477—from the 27-month period immediately preceding the law's enactment, and they attributed the increase directly to their ability to run down gun owners.

Indeed, the law also provided useful information to Treasury agents investigating the shooting of Gov. Wallace; they were able to trace within 10 minutes the .38-caliber revolver allegedly used by his assailant.

Of an array of gun bills currently pending in Congress, by far the toughest and most comprehensive is one sponsored by Rep. Emanuel Celler of New York. As introduced, it would require permits to buy or possess firearms and ammunition and would outlaw handguns except for unfireable collectors' pieces and except for policemen, the military and licensed target-shooting clubs, which would have to keep their handguns locked up on the club premises when not in use. The bill provides for payment of $25 or the fair market value, whichever is higher, for lawfully acquired handguns surrendered voluntarily to authorities.

Mr. Celler, who is given much of the credit for getting what was left of the 1968 bill through Congress, yesterday said the House Judiciary Committee he heads will open public hearings on gun control "promptly following the Memorial Day recess." Several congressmen had urged such action for some time, but "Celler has been afraid to open hearings on a new bill for fear the gun nuts would come in and decimate the 1968 act," says one long-time congressional staff member.

CHIPPING AWAY IN CONGRESS

And in the Senate, the Wallace shooting jarred Sen. Birch Bayh's bill to ban the general sale of cheap, snub-nosed handguns out of the Judiciary subcommittee on juvenile delinquency, where it has been bottled up for 14 months. The bill still faces a stiff fight in the full judiciary committee, but Sen. Bayh and others have vowed to bypass the committee route, if necessary, to get the bill onto the Senate floor this session.

Gun-law foes have been chipping away at the 1968 act ever since it was passed. Among other tactics, they have tried to gain exemption from the record-keeping requirements for .22-caliber ammunition, which is the type most often used in armed robberies and gun murders.

In the 91st Congress—1969 and 1970—a total of 183 gun bills were introduced, 107 of which would have weakened controls and 76 of which would have imposed new controls or tightened existing ones. The first session of the 92nd Congress provided a replay, with 61 bills introduced—37 to ease controls, 24 to strengthen them.

Those who lobby against gun controls are for the most part law-abiding citizens who could continue to own and use guns for legitimate purposes even if stricter controls were imposed. Why, then, do they object so strenuously to tighter regulations?

Their objections seem to boil down to three main points: that controls represent further encroachment of big government on individual rights, that people have a right to keep guns for self protection, and that curtailing guns would have an adverse economic impact—both in reduced gun sales and in the added costs of enforcing controls.

CITING SECOND AMENDMENT

A recurrent argument is that controls would infringe on rights provided by the Second Amendment: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

But the Supreme Court has ruled on at least four occasions dating back to 1876 that the amendment applies to a militia, not to individuals.

Self defense is a particularly emotional issue; opponents argue that controls would merely take guns away from honest citizens and not from criminals, thereby leaving citizens vulnerable to wrongdoers ranging from robbers and rapists to Communists and rioters. But control advocates reply that the Commission on Violence found that for every robber stopped with a handgun in a given year, four people are killed in handgun accidents. And control advocates find the thought of untrained citizens repelling an invasion by a modern enemy army to be ludicrous.

Gun fanciers say the real need is to improve apprehension and conviction of criminals, not to restrict guns. "Guns don't kill people," runs a popular slogan, "people kill people"—to which Rep. Mikva replies: "True enough, but without the glut of handguns people wouldn't find it so easy, so convenient or so tempting to kill other people.

One point both sides agree on, however, is that too many judges are far too lenient in sentencing people apprehended for gun offenses. Studies in Washington, D.C., and New York show gun felony offenses in those states are nearly always reduced to misdemeanors, and convictions seldom result in more than a small fine or suspended jail sentence. (Gov. Wallace's alleged assailant was caught carrying a concealed gun in Wisconsin last fall, an offense that could have brought him up to one year in jail and a $500 fine, but he was convicted of a misdemeanor instead.)

SOME SOLID EFFECTS

Where tough gun laws exist there are solid indications that they have some effect—even when guns come in from nearby areas of lax controls. The New York City murder rate of 10.5 per 100,000 inhabitants, for instance, is still well below those of Atlanta (20.4), Dallas (18.4) and Houston (16.9), where gun laws are extremely lax.

Since 1966, New Jersey has required purchasers of guns to obtain special credentials—provided only after police background checks—before they take possession of firearms. So far, 316,000 such credentials have been issued, but another 7,800 have been denied—46% of them because the would-be buyers had criminal records. Other reasons included evidence of suicidal tendencies.

"We think the law is accomplishing what it's intended to do, keeping guns out of the hands of criminals and undesirables," says a state police official. "We like to think we've prevented occurrences like the Texas tower shooting spree, but of course there's no way of knowing for sure." (On Aug. 1, 1966, a 25-year-old University of Texas student shot 45 people from a 307-foot tower on the university campus; 16 of the victims died.)

It may be just a coincidence, but in Detroit, where a tough new gun law went into effect last December, the murder rate has dropped sharply, despite the easy accessibility of guns elsewhere in the state. Similar drops were recorded after new laws were passed in Louisville, Toledo and other cities.

Ironically, one of the toughest recent gun laws was rammed through the Maryland legislature by Gov. Marvin Mandel just two months ago. The law prohibits wearing or carrying of handguns anywhere but to or from a hunt or target shoot, provides mandatory minimum sentences for offenders and permits police to stop and frisk people "on reasonable suspicion" of carrying a gun.

The fact that such a law was passed in Maryland, a state where in 1970 the reelection

defeat of Sen. Joseph Tydings was at least partly attributed to retribution by gun enthusiasts for his backing of controls, has encouraged gun-control advocates. Many are beginning to question just how much influence the gun lobby actually wields beyond its ability to spark a flood of protest letters or to pack a hearing room with shouting and stomping partisans.

"Their influence is vastly overrated," says Rep. John M. Murphy of New York, long one of the staunchest congressional advocates of tougher controls. "Their big threat has been that they would roll back the 1968 act if we introduced new legislation."

The shooting of Gov. Wallace "could get things rolling again" in both House and Senate, Mr. Murphy figures. "The public sentiment is certainly there today" for new gun controls, he adds. "But it's questionable how much ardor people will have six months from now."

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BEFORE SHOOTING, WALLACE SAID HE OPPOSED CONTROLS

MONTGOMERY, ALA.—Gov. George C. Wallace has strongly opposed gun-control legislation in his public comments.

"Restrictive gun legislation, wherever it might be—at the national level or at the state level—really in the long run restricts the law-abiding citizen who owns a gun," said the presidential candidate in a recent speech. "But for the law violator, he doesn't pay attention to any law, whether it is gun control or any other law."

Gov. Wallace said he felt disarming American citizens would be a violation of the Constitution.

"If I were convinced beyond a shadow of a doubt that gun-control legislation would control crime in this country and would stop the high homicide rate and crimes of passion, and the other planned crimes, I would be for it—I think you would, too," said Mr. Wallace.

"But we know it's not going to do that. This false liberalism that in the last decade or so has brought about such legislation as gun controls at the national level and the state levels in many states is the same liberalism that has brought us heroin addiction in the streets. . . ."

Mr. Wallace said if restrictive gun-control legislation came about it would "arm completely the outlaws, and that's no way to reduce crime."

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[From the Wall Street Journal, May 24, 1972]

THE GUN: KINGPIN OF "GUN LOBBY" HAS A MILLION MEMBERS, MUCH CLOUT IN CONGRESS

(By Stanford N. Sesser)

WASHINGTON.—The National Rifle Association, according to a statement last fall by its executive vice president, "concurs in principle with the desirability of removing from the marketplace crudely made and unsafe handguns."

Since the NRA is the kingpin of the alliance of hunters, target shooters and gun manufacturers, commonly dubbed the "gun lobby," it would seem that a bill to outlaw the production and sale of "Saturday-night specials"—the cheap handguns used for many "murders, frequently on Saturday nights—would sail through Congress. Instead, little progress has been made on such a measure since extensive Senate subcommittee hearings late last summer.

The answer to this puzzle tells a lot about the reasoning of the million-member NRA. Frank C. Daniel, the organization's secretary, explains that the NRA has been unable to support a specific bill because no one has been able to come up with a definition of a Saturday-night special that the group could agree with. He says that handguns can't be banned on the basis of safety because "there's no unsafe firearm in the market to our knowledge today." Prices can't be used, he adds, because the cost of a gun "has nothing to do" with its danger. What about banning those handguns that the NRA's magazine, The American Rifleman, refuses to take ads for? Mr. Daniel: "It's one thing limiting advertising in a private magazine and another imposing the standards on a whole society."

Finally, the NRA executive complains about the whole notion of singling out certain handguns. "The term itself is meaningless," he states. "What's a Saturday-night special to one person is a highly desirable firearm to someone else."

To the many critics of the NRA, such statements provide insight into the strategy that has maintained the power of the gun lobby. The NRA, they maintain, claims publicly it only opposes measures that hinder the sportsman, while privately it musters its considerable resources to fight every piece of gun legislation, no matter what the intent. "They oppose all legislation because they figure the ultimate step is the confiscation of guns," says Carl Perian, a former professor of criminology who headed the Senate Judiciary subcommittee staff that drew up the federal Gun Control Act of 1968. "Their ultimate strategy is, 'If we hold them here, we won't have to hold them there.' " Or as a member of Sen. Edward M. Kennedy's legislative staff puts it: "You start talking about stopping criminals, and the NRA immediately says you're trying to take guns away from us."

A DIFFERENT SLANT

NRA officials scoff at the notion that their organization wields the tremendous power attributed to it by its critics. They say only about $100,000 of the NRA's $7.7 million annual budget goes for legislative activities, with the vast bulk of resources devoted to such activities as staging shooting tournaments, conducting hunting and conservation activities, and publishing The American Rifleman, a magazine for NRA members. "Our members do the (legislative) work for us," says Jack Basil, director of the NRA legislative service. "All we do is keep our members advised about what's going on."

But Mr. Perian sees things differently. "The NRA is a very efficient minority," he declares. "Look at their new headquarters building and the money they spread around. If the NRA didn't exist, this country would be equal with all the civilized nations in the world in sharply restricting the use of ammunition and firearms."

A close look at the operations of the NRA indicates there's some truth to both views. No matter what the amount spent on lobbying, the influence of the NRA is demonstrably immense. The organization boasts at least 35 Congressmen as members, a number of sympathizers in the White House and key government agencies, and a 150-member affiliate gun club that operates from the office of the Secretary of Defense (the club's head says none of the highest-ranking Defense Department officials have joined). Altogether, the NRA has 12,000 affiliated local and state gun clubs around the nation.

President Nixon became an NRA life member in 1957, and, although the White House claims he resigned after the 1968 election, the NRA's Mr. Daniel says that "Nixon's membership is still a matter of record. We never received notification he resigned." While the Pentagon in 1968 ended its long-standing and controversial support of the NRA's National rifle and pistol championships, the Army still quietly lends 10,000 rifles worth $42 each to local NRA-affiliated gun clubs and each year supplies their members with 8.4 million free bullets worth $84,000. According to the American Riflemen, President Nixon included NRA Executive Director Louis F. Lucas in a group he briefed on the forthcoming 1970 invasion of Cambodia before announcing his momentous decision" publicly. (A White House spokesman insists the President discussed Cambodia only in general terms and didn't give away the invasion plans.)

ACTIVISM AT GRASSROOTS

As Mr. Basil indicates, the key to the NRA's influence undoubtedly is the activism of its grass-roots membership. The NRA once boasted that an appeal to members could produce half a million letters to Congressmen within 72 hours. Mr. Perian says the Senate Judiciary subcommittee "has letters five feet deep" on the question of Saturday-night specials. The NRA's legislative bulletins to members telling when hearings will be held on state and federal gun-control measures inevitably produce overflow crowds of gun enthusiasts jamming legislative chambers.

But if members provide the strength, coordination comes from the NRA nerve center—the "new" building to which Mr. Perian refers. The sleek, eight-story structure actually dates back to 1957, when the original $1.5 million building was finished; a $1.2 million addition was completed in 1963.

The NRA itself uses seven of the floors to house its headquarters staff of 250 (the eighth floor is rented to the National Mediation Board). In the basement is a small firing range, used mainly by Washington-area members, and the building also houses a firearms museum. Most of the 1,000 or so guns were donated by firearms manufacturers.

Much of the staff's time is devoted to putting out The American Rifleman, in overseeing the NRA's extensive activities in firearms safety training and in overseeing target shooting matches. Six million persons have taken NRA firearms safety classes since 1949, two million of them in the past two years alone, the organization says.

Last year, 3,300 NRA-sanctioned shooting tournaments were held, about evenly divided between rifle and pistol matches. They ranged from small local matches to national championships, and altogether had 106,000 entrants.

The NRA is governed by a 75-member board of directors. Only life members are eligible to vote for directors and officers (a life membership costs $150). The directors and elected officers—the president and two vice presidents—receive no salary, but they do get expense allowances. Day-to-day operating responsibility rests with the executive vice president and the executive director, both full-time paid employes.

Underlying virtually all the NRA's activities is a persistent defensiveness on the subject of gun controls—a sense that, somehow, the NRA and its members are being unfairly persecuted by those who want stricter gun laws. This preoccupation is evident in conversations with NRA officials and in published materials distributed by the NRA both to its members and to the press and public, and it surfaced frequently in discussions at the NRA's annual meeting at Portland, Ore., last month.

In one panel discussion on hunting, for example, Dale L. Shaw, a Colorado State University forester and gun enthusiast, reported that a survey of 200 Colorado State students found two-thirds were opposed to hunting. "A real shocker to me," Mr. Shaw added, "was that over half the students from rural areas were against hunting." The reasons for the students' attitude, he said, included general sentiment against killing for sport, unpleasant personal experiences with hunters and the publicity given the killing of endangered species.

The discussion sparked an outpouring of bitterness and suspicion among the 400 people in the room—much of it directed ultimately toward those elements in U.S. society that want tougher gun laws. The chairman of the NRA's hunting and conservation committee called antihunting sentiment "a flank attack by the antigun people." One

speaker pointed to "the emotional outcry of the apartment-block critics," and Mr. Shaw himself complained that some New York City residents equate hunting with the killing of "puppy dogs and kitty cats."

Finally, one member of the audience rose to point out that the antigun movement gained considerable momentum after the assassination of President Kennedy. Then he asked: "Do you think if this had been an attack on Mrs. Kennedy they would want to emasculate every man in the country?"

AS INNOCUOUS AS GOLF?

The depth of frustration felt by NRA members at talk of tighter gun controls seems rooted in a feeling on their part that owning and shooting guns for sport is as innocuous as, say, playing golf. In fact, a visit to a meeting of the Chabot Gun Club, a San Francisco-area NRA affiliate, turns up striking parallels with golf. Most of the members present are target shooters who spend most of their weekends on the club's shooting range—and make the same sort of jokes as golfers about how their wives sit home. Several members, totally unaware of the irony, even complain about the hazards from golf balls when they drive along a road bordering a golf course. One member says his car was hit by golf balls five times in a single day and adds that he can't understand why authorities seem unwilling to act against errant golfers. "I guess there's nothing we can do about them," he mutters.

Many gun enthusiasts see a conspiracy to penalize the hunter and target shooter while letting the criminal roam free. Their solution to the problem of guns and crime is simple: Pass tough laws providing long mandatory prison sentences to anyone using a gun for a crime.

The antigun conspiracy, they believe, is nurtured by a biased press. A reporter attending a gun club meeting is asked the same question as a preliminary to almost every interview he seeks: "Do you shoot?" When the answer is no, the looks are incredulous, and a second question usually follows: "Well, then, how can you write about guns?"

NRA would also have to answer that question in the negative. The current president, Fred M. Hakenjos, is involved with guns only through his job with Hercules, Inc., the gunpowder maker. Maxwell E. Rich, executive vice president, neither hunts nor shoots at targets; before his NRA job (a full-time staff position) he was an official of the Salt Lake City Chamber of Commerce and an adjutant general in the Utah National Guard. Louis Lucas, the executive director, is a certified public accountant and a nonshooter.

ENERGETIC, NONETHELESS

NRA officials profess to see little significance in the fact that many key personnel don't shoot; they say the number of shooters varies widely from year to year.

Whether they shoot or not seems to have little effect, however, on the energy with which NRA officials press the organization's cause. Executive Vice President Rich, for one, is a frequent witness in congressional hearings on various gun-control proposals, and other staff members consult often with the aides of Congressmen—both sympathetic and unsympathetic—on gun matters.

Perhaps most effective are the NRA's efforts to keep its members informed about gun-control activities around the nation through its monthly American Rifleman and through the separate mailings of thousands of legislative bulletins.

The legislative bulletins, though they don't urge members to any course of action, often lead to massive campaigns to deluge legislators with mail and to jam legislative galleries and hearing rooms when gun-control matters are discussed. If a state legislative committee, for instance, plans a hearing on a gun-control bill, every NRA member in that state will receive a bulletin with the time and place of the hearing, the text of the proposed measure, and the names and home cities of all the legislators on the committee.

NOT SO FIRE-EATING

The American Rifleman isn't quite so dispassionate. The magazine, which is financed largely through advertising by gun and ammunition makers and is sent free of additional charge to members who pay their $7.50 annual dues, frequently emphasizes the message that "communism engaged in a shooting war against young Americans in Vietnam, does not want young Americans in the U.S. to be taught to shoot." It calls interest in guns "universal, usually in direct ratio to intelligence and education," and lashes out at the federal Gun Control Act of 1968 as "a legislative monstrosity saddled upon the people in a period of emotionalism." The 1968 act bans interstate mail-order sales of guns, limits imports of guns and requires gun dealers to demand identification and to keep records of purchasers of firearms, and ammunition.

In recent years, however, the editorials seem to have been toned-down from the fire-eating prose that sometimes appeared in the mid-1960s. In 1967 the magazine asked who would guard "the doors of American homes from senseless savagery and pillaging" if the National Guard were overseas fighting a war. The editorial noted that "the armed citizen represents a potential community stabilizer," and, speaking of gun-control bills, concluded: "There is little indication that their sponsors have given any thought to the fate of citizens who may be trapped and beleagured by howling mobs that brush police aside."

In 1965 an editorial noted that "the taking of a human life is a matter of deepest concern. Nevertheless, our laws rightly recognize the fact that a person may resort to the use of firearms, when necessary, for the protection of himself, his home and his place of business. . . . If he elects to use a gun, that is his privilege. The important thing is that the individual must have the opportunity to make his own decision, and obviously his decision lacks meaning in such instances if he does not have the right and the opportunity to have a gun to enforce that decision." NRA officials say they still stand behind these editorials.

NOT ALWAYS SO MILITANT

Surprisingly, some observers on Capitol Hill say the NRA's lobbying efforts haven't always been as militant as the American Rifleman's prose. Franklin L. Orth, who was executive vice president and day-to-day operating head until his death two years ago, was frequently quoted as searching for a compromise on gun legislation. "He was an honest man who would almost cry whenever you'd talk about Jack Kennedy," says Mr. Perian, the former Senate staffer. (President Kennedy's presumed assassin, Lee Harvey Oswald, purchased his rifle by mail order from an ad in The American Rifleman.)

According to Mr. Perian, the turning point came in 1969 when Mr. Orth was invited to testify before the Senate's Juvenile Delinquency subcommittee, which considers gun legislation. Instead, the NRA's then-President Woodson Scott, a New York lawyer and a strong opponent of gun controls, showed up. "Orth told me his directors accused him of working with the committee," Mr. Perian states. "He maintained his post but they shoved him in the background. Orth was invited as a witness, and the NRA wouldn't even let him in the room." Asked whether the executive vice president had ever before failed to appear at congressional testimony, William Gilmour, a former NRA public-relations man, stated that "it never happened before, in recent years at least."

Mr. Basil, the NRA's legislative director, denies the organization clamped down on Mr. Orth in order to take an uncompromising line on legislation. "Frank Orth was never at odds with the directors," he says. "He could not very well be; he was an employe." Mr. Basil says Mr. Orth was out of town on NRA business the day of the hearing.

To the NRA, the whole controversy over the need for gun-control legislation is vastly blown out of proportion. The American Rifleman, for example, points out that "the handgun is used legitimately by millions of target shooters and hunters as well as for home protection. . . . In itself it is no more inherently criminal than a pair of scissors, a piece of rope or a brick."

The organization's home-firearm-safety instructor's guide takes up the analogy. It tells instructors to "attempt to remove fear if any exists . . . point out the appeal to the senses; fine workmanship, interesting sounds even without firing, cool, smooth, substantial feel, distinctive odor. Be sure to point out the respect due firearms as . . . instruments which have great potential for sport—improperly used, great potential for harm. Point out also, the last is true of a baseball bat, a fishing rod, roller skate or other rather innocent-looking items that have the double potential."



## COMMENCEMENT ADDRESS BY ALF M. LANDON

Mr. PEARSON. Mr. President, Mr. Alf M. Landon recently delivered the commencement address at Mount Saint Scholastica Academy in Atchison, Kans. I have had occasion to read his statement and found it to be an excellent analysis of current American foreign policy and a lucid evaluation of the changing world scene. Since this is a most significant statement, 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:

ADDRESS BY ALF M. LANDON

I am honored to speak to you on this great day in your lives and in the lives of your families and friends.

Mr. Cooney suggested that I would be speaking to a "smart and alert group" who are "tuned in to present day domestic and international problems, with a deduction to make the future better for others and themselves."

I remarked that a frank discussion of that kind would call for somewhat of a political tone that some would think was not appropriate for this audience. He replied that a message that offers them the opportunity of participating in the times we live in and world affairs will "strike a responsive cord."

At the time the first class entered the Academy of Mt. St. Scholastica in 1863, Atchison was on the edge of what was generally called, in those early days, the great American desert.

The only means of transportation then was by horse power or by paddle wheel steamers on the Missouri River. The first link from Atchison to Topeka had yet to be built—as the start of the great transcontinental railroad, the Atchison, Topeka and Santa Fe.

Between the opening of this—then the only boarding school for girls west to the Pacific Ocean—and the students of today—occurred the vast changes wrought by the development and general use of new power and technology in agricultural and industrial production. The motor car and the airplane have, to a considerable extent, succeeded railroad passenger transportation. The tractor and the truck have eliminated horse power in agriculture. Now we are on the verge of nuclear energy for peace time power uses.

In a nutshell, America has changed during the little more than 100 years existence of this fine Academy from an agricultural economy to an industrial economy and from

a weak and divided little American Republic to the greatest power in the world.

There is some similarity between the political climate of that first class and this graduating class of this fine Mt. St. Scholastica Academy.

At the time of that first class, our beloved country was deeply divided in a fratricidal war. In 1863, there were riots and arrests on the streets of New York and elsewhere—against the continuation of the war—just as there have been on some of the college campuses today.

Then, some of the leaders in the Democratic Party, as well as Republicans, were critical—not only of the policies and objectives of President Abraham Lincoln, but as to his conduct of that war. Yet, among President Lincoln's strongest supporters, there were stalwart Democratic leaders. Today we find somewhat the same division among some Democrat presidential candidates, as well as some Republican and Democrat members of the Congress—and among the press, with President Nixon's Vietnam policies.

There is also somewhat of a comparison between President Nixon's policy of blocking the delivery of military supplies and equipment to Communist North Vietnam and President Lincoln's ordering a blockade of Confederate ports—and, later on, many other examples including Sherman's March to the Sea, cutting the south in two, reducing military supplies to the Confederate armies. Also, there was General Grant's move to destroy the beautiful, productive Shenandoah Valley as a source of food supply to the Confederate troops. His orders were graphically expressed, that, when the Union troops got through, a crow flying over that valley would not be able to find anything to live on.

North Vietnam is in somewhat the same position, with Haiphong and its other harbors blocked, as the Confederate armies were in the north in that great war. Those were strategic moves of President Lincoln's at that time.

President Nixon's order last Monday night is the first strategic move in this long and frustrating Vietnam War. What we have been doing up to now is interdicting supply lines by hitting trucks and other means of moving supplies over the Ho Chi Minh Trail, etc. These are tactical maneuvers.

By blocking Haiphong and all other harbors of North Vietnam—keeping the supplies from coming in—we are now, for the first time, strategically limiting the capability of North Vietnam in moves comparable to President Lincoln's strategy in the Civil War.

It is to America's interest, as our President has stated, that we intend to be a Pacific power.

That is as important to America as maintaining our position in the Atlantic Ocean and the Caribbean Sea. That has been our historical policy since we became a world power—which President Nixon is simply carrying out—as all of our other presidents have done.

After the end of World War Two in 1945, we got involved in bi-partisan foreign policies that led to committing our land forces all over the continent of Asia and elsewhere in an attempt to police the wide world.

Mr. Nixon's policy is a complete reversal of that folly. He specifically—in an article in Foreign Affairs magazine in October, 1967—said we should be a Pacific power limited to the water's edge and that our Pacific friends should form their own defenses internally. If our friends were attacked and if called upon, we would support them. We would not be the foundation of their defense. They would have to organize their own defense system. That is precisely the Vietnam policy of our President from the start of his administration.

Incidentally, President Nixon is trying to persuade our European friends to accept that same concept of defense. The picture of 250 million Europeans formed into the European Economic Community depending on the United States of America for their defense is ridiculous. Mr. Nixon is encouraging them to form their own defenses—just as he is trying to do in his Asia policies.

Russia is now building up its position in the Mediterranean Sea. That can be a menace and a threat to Israel and the moderate Arab states.

Israel is the crossroads of the Middle East. It is the balance of power in that area. It needs our assistance in the Nixon policy seeking to keep a balance of economic and military forces for peace.

I say this with a background of repeatedly urging—since 1948—the admission of the People's Republic of China to the United Nations and our diplomatic recognition and also a detente with Russia. At the same time, I said we must not be second militarily to any country in the world.

Now for a larger look at the world we live in and the overall long view of Mr. Nixon's conception and pragmatic execution of policies for a peace that will last longer than one generation. We have had a war every generation since before the turn of the century, starting with thet Spanish American War of 1898.

In President Nixon's campaign speeches of 1968, you will find the broad outline of the policies he has been pursuing.

In February, 1969,—20 days after his inauguration—in a public statement, he made the first step—some call it only a gesture—so what?—toward normalization of relations with China—which is now in the making. I promptly supported that in a speech the following March.

He has already modified trade restrictions with Russia and China by executive order permitted under an Act of Congress.

Last Thursday, the Russian Trade Minister and the Russian Ambassador to the United States had a cordial 45 minute visit with our President in the White House.

China, Russia and the United States have a common denominator of interest in the measure of stability on which peace and prosperity are based for all the world's peoples. Mao and Chou En-lai and their moderate generals are also interested in a degree of stability in China itself. And so are the Soviet leaders. The present leaders in both countries are getting old. The leadership of both China and Russia are facing a new and rising generation. They both have similar problems.

There are growing numbers of protestors of the present Communist leadership. They do not want to get rid of Communism. They simply want to get rid of the personal repression of the individual and threats of war. The circulation of repressed expressions of personal writings is causing the Soviet much concern.

Romania, Yugoslavia and Poland are building their own Socialist states. There is no doubt that Russia could use its military power to suppress them—just as it did with Hungary and Czechoslovakia—but it shrinks from that now.

There is a growing demand in Russia and its Balkan satellite states that the Communist governments make good on their promises of both bread and butter. This they have not so far been able to do.

Both China and Russia are very interested in tapping the industrial production of the United States so that they can meet their consumers' needs. They need particularly America's technology of food production.

Our President is meeting them half way in our new trade and world peace policies abandoning the bi-partisan outmoded militant containment policies he inherited from his four predecessors.

Mr. Nixon's long range goal is a peace that will accommodate the legitimate needs and national interests of other nations. That is too often overlooked in international relations. Every country—friend or foe—will always act in its own interests as it sees them at a particular time.

If they have doubts about our new momentous policies based on stabilization of international relations, we have doubts about them.

While the abandonment—at least a modification—of the militant foreign policies of the three major powers—is yeasting, that calls for persistence with patience.

In a nutshell, it means speaking softly while carrying a big stick, as President Theodore Roosevelt advocated for our great and beloved country.

In the midst of these exciting times, leaving old friends of boarding school days, you are entering a different style of life, but not too different basic problems from the first graduating class of this fine school, founded by the Sisters of St. Benedict, whose influence has contributed so much, not only to the life of Kansas, but to the life of other states and other nations in the world.

What a splendid tribute this fine and successful school is to the bold and pragmatic vision of the Sisters of St. Benedict of the need for such a school and in daring to start, in those really violent times, on the frontier of civilization, a school for girls—the first between the Missouri River and the Pacific coast. Surely it is a historic demonstration of the Benedictine Sisters' dedication to betterment of humanity.

So, today, as we join in our congratulations to you 1972 graduates, we pause in admiration and respect for the Christian inspired leadership and foresight of the Sisters of St. Benedict in establishing Mt. St. Scholastica under the most trying and discouraging circumstances.

Their consecrated successors, over the years, answering that call, have, in their dedicated good administration of Mt. St. Scholastica, covering many trying and difficult years, fulfilled and honored the dreams of a school founded for educational and inspirational values.

Despite the frustrations that seem to exist today, they are no greater—and no easier solutions—than heretofore. But, as always, good music is just as beautiful; good literature is just as elevating; and good character is just as ennobling.

I wish you the best of health, happiness and good luck.

## AN ACT AGAINST AGGRESSION

Mr. TOWER. Mr. President, in the May 14 issue of the Hearst newspapers, there appeared a very succinct and thought-provoking editorial from the editor in chief, Mr. William Randolph Hearst, Jr. In this editorial, Mr. Hearst sets forward his most cogent reasons for supporting the President's recent moves in Vietnam. 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:

AN ACT AGAINST AGGRESSION

(By William Randolph Hearst, Jr.)

NEW YORK.—There shouldn't be any doubt that the big story of this week is also one of the big stories of the year and of the years of the Vietnam War. President Nixon's decision to cut off military supplies to the invading North Vietnamese divisions by mining their harbors and bombing their railroads is of such magnitude that its repercussions will be felt far into the future.

As readers of this column know, I have advocated this type of action against our vicious and intransigent enemy for a long time. It has always seemed wrong to me that, after committing our troops in Vietnam, we did not move decisively to cut off supplies moving to the enemy in the field from Russia, China, Poland, and other Communist countries.

If President Johnson had done this or if

President Nixon (who was critical to me of Johnson's stopping the bombing without some similar "quid pro quo" from the North) had mined the ports when he first came in, there would be no shooting war today.

There isn't much use in crying over spilled milk. President Nixon has now moved boldly to prevent these supplies from reaching Hanoi's invasion force and I should think all Americans who want a quick end to the killing there should be pulling—if not praying—that his efforts succeed.

What gripes me though are the cries of anguish that have emanated the past few days from our Senate Doves, our Democratic presidential candidates and some of our young people on campus who think that the United States had committed a blatant act of aggression against a peace-loving North Vietnamese people when, in fact, we have simply reacted to their 12 divisions of troops invading and attempting to conquer South Vietnam.

Since so many people who should know better have criticized President Nixon either out of ignorance or political motivation, I thought it well today to look at the record of what has happened in Vietnam and Paris and to factually recap the situation.

For instance the Hanoi delegation in Paris, resorting to its usual hysteria and deceit, accused the President of violating the 1954 Geneva Accords and the 1968 understanding by which U.S. air attacks against the North were halted.

In point of fact, it was Hanoi that violated the 1954 and 1968 agreements when it moved a massive army across the Demilitarized Zone last month in an effort to conquer South Vietnam by force of arms.

The Hanoi crowd in Paris declared: "As long as the Nixon administration continues its aggression in Vietnam, continues its policy of Vietnamization of the war and escalation of the war, all the Vietnamese people, united as ever, will resolutely continue their resistance struggle until they reach their fundamental objectives, namely independence, freedom and peace."

On the surface, that is pretty high sounding prose. But, since when have the "Vietnamese people" been "united as ever"?

And since when have the North Vietnamese people—or for that matter any people living under a Communist government—enjoyed "independence and freedom"?

We have sought endlessly to work out some kind of peace agreement, even to the point of sending Dr. Henry Kissinger to Moscow to get the help of the Russians.

The Soviet leaders assured Kissinger last month that they were interested in ending the war on a basis that would be just to both sides. They urged resumption of the Paris talks and promised to use their constructive influence to make those talks fruitful.

So what happened? President Nixon gave us a good rundown on that situation when he appeared on the nation's networks Monday night. He said:

"I authorized Dr. Kissinger to meet privately with the top North Vietnamese negotiator, Le Duc Tho, on Tuesday, May 2, in Paris. Ambassador Porter, as you know, resumed the public peace negotiations in Paris on April 27, and again on May 4.

"At those meetings, both public and private, all we heard from the enemy was bombastic rhetoric and a replaying of their demands for surrender."

The President pointed out that in more than three years of negotiating we have offered 1) de-escalation of the fighting, 2) a cease-fire with a deadline for American withdrawal, 3) new elections with Communist participation, 4) an exchange of prisoners and 5) President Thieu's agreement to resign one month in advance of elections.

"And North Vietnam has met each of these offers with insolence and insult," said President Nixon. "They have flatly and arrogantly refused to negotiate an end of the war and bring peace."

Every time the United States has made a peace offer, the Communists have greeted it with insult and an escalation of the war.

Kissinger, at a press briefing on Tuesday, covered in complete detail the valiant efforts of our government to reach some sort of settlement through negotiations over a six-month period, beginning last November.

Even though we knew the Communists were massing a powerful force about the DMZ, we did not bomb supply installations or missile sites because of our concern over our relationships with China and the Soviet Union.

When the negotiators finally sat down at the conference table last week, Kissinger explained: "We were confronted by the reading to us of the published Communist statement. It had taken us six months to set up the meeting and innumerable exchanges and when we got there, what we heard could have been clipped from a newspaper and sent to us in the mail."

Kissinger added: "What is it the other side is asking of us that we have rejected? The other side has asked us, Prior To a Cease-Fire, that the following steps be taken:

"The President of South Vietnam must resign. What is called by the other side the 'machinery of oppression of the government' must be disbanded. Pacification must be stopped. Vietnamization must be stopped, which means the end of American military and economic aid. All persons who have been arrested on political grounds should be set free. Then a government should be formed which is composed of all those who favor peace, independence, neutrality and democracy, presumably, by definition, including the Communists.

"In that government, in other words, the Communists would be the only organized force, since all the organized non-Communist forces would have been disbanded by definition.

"All of this is prior to a cease-fire. Then this government is supposed to negotiate with the Communists a final solution. In other words, this is only the thinnest veneer; this government, which already contains the Communists, is then supposed to negotiate with the provincial revolutionary government, which at that moment will be the only force in the country which has an army, which is backed by the North Vietnamese army. It will be the only force in the country that has any physical strength, and it is supposed to negotiate with them a final settlement. And all of this, ladies and gentlemen, is before a cease-fire."

The above needs no interpretation from me. The Communists demand that we destroy, not only the present government, but the present form of government in South Vietnam, thus turning the country over to the well-organized Communist forces of the North. To this—thank heaven—President Nixon positively stated, "This will not happen. We will not cross the line from generosity to treachery."

So since we obviously cannot reach a negotiated settlement under those terms, our only choice is to help South Vietnam from being forcibly taken over—which is what we have been doing for the last five years.

This, in essence, is the choice made by our President. It may be brinksmanship, but it is the only way I see to convince North Vietnam that we are in this thing for the duration and to bring them to a meaningful peace conference.

## THE MINIMUM WAGE BILL

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, I have followed closely the work on the minimum wage bill. It was reported today by a majority of the full committee, with increases proposed which far exceed any cost of living increase over the past 6 years, far exceed the House proposals, and directly sharpen the inflation cycle which we have been fighting so hard.

On May 23 the Director of the Cost of Living Council issued a statement warning about the effect of such increases and pointing out that the indirect effects on the wage bill will greatly exceed the estimated $2.8 billion of direct cost to the Nation.

It was in recognition of these factors and others that the Senator from Ohio (Mr. TAFT) and I introduced a substitute bill conforming to the House minimum wage increase provisions, therby reducing the inflationary impact of the Senate bill.

Mr. President, I ask unanimous consent that Mr. Rumsfeld's statement of May 23 be printed at this point in the RECORD.

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

STATEMENT BY DONALD RUMSFELD

Donald Rumsfeld, Director of the Cost of Living Council, today called on the Congress to "exercise restraint" in adopting new minimum wage legislation.

"All who are serious about wanting to reduce inflation and achieve true peacetime prosperity, must carefully assess the potential impact on unemployment and inflation of the minimum wage legislation now pending in the U.S. Senate.

"Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.

"The Senate Labor and Public Welfare Committee is expected to approve Senate Bill 1861 tomorrow. That measure, which probably will be voted on by the entire Senate next month provides for a 25% increase in the minimum wage within 60 days of passage. The bill would add $2.8 billion in direct costs to the Nation's wage bill in the first year. Additional increases would be required in subsequent years.

"While the direct impact on the total wage bill and on prices of so large an increase in the minimum wage is great, its indirect effects will likely be even more substantial. Adjustment of the Pay Board standards might be necessary to maintain customary wage differentials for workers with higher skill levels, which would result in a significant escalation in labor costs. Those most in need of jobs for the income and work experience they provide will find it more difficult to compete for jobs when employers are prohibited from hiring them at wage levels commensurate with their skills.

"Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices.

"The House-passed version of the bill, H.R. 7130, is far more reasonable in its provisions than the Senate version. Although it provides for a 12% increase in the minimum wage, it will not have as severe an impact on employment opportunities or inflation as the measure now pending in the Senate. The House version wisely makes provision for young men and women seeking full or part-time employment by allowing a teenage differential. This provision avoids the unintended result of providing an incentive for firms to reduce their total number of workers and will encourage additional jobs for groups experiencing disproportionately high unemployment.

"Congressional Amendments to the Eco-

nomic Stabilization Act in December 1971 involving the exclusion of certain fringe benefits from control and the mandated retroactive wage payments, have resulted in a loosening of the Pay Board rules and the passing along of substantial increased costs to consumers across the country. Continued Congressionally mandated loosening of the Economic Stabilization Program's regulations could reduce the ability of the country to achieve the stated anti-inflation goals.

"At a time when the Nation is embarked on an effort to reduce inflation, reduce unemployment, and expand job opportunities, the Senate should weigh carefully any proposal which requires large increases in wages and costs."

Mr. DOMINICK. Mr. President, it should be noted that in estimating the direct costs, Mr. Rumsfeld is not taking into account the increased coverage of the Senate bill, the overtime provisions, or the ripple effect of the increases. These factors if built into the estimate could raise the yearly increase in annual costs to the Nation to a figure in excess of $8 billion, almost all of which would have to be absorbed by the consumers who purchased the products and services covered by the bill.

## NUCLEAR POWER: WHAT IS THE MEANING OF RECENT VOTES?

Mr. GRAVEL. Mr. President, should the recent passage of interim licensing authority for the Atomic Energy Commission be interpreted as clear sailing in Congress for nuclear electricity?

Definitely not. Passage of the interim licensing bills tells us only what we all knew before: Congress is not yet ready for a nuclear power moratorium. I would like to stress the word "yet."

Inquiries by my office staff prior to the vote revealed a widespread awareness of nuclear hazards among other Senate staff people. There is worry, all right.

How long before that worry carries Congress across the very thin line which separates the OK-to-license position from the stop-everything position? That is the question which must be bothering the utilities and other heavy nuclear investors.

### THE VOTE IN HOUSE AND SENATE

The House passed its interim licensing bill, H.R. 14655, on May 3, 1972, by a voice vote. The Senate passed its bill, S. 3543, on May 17, 1972, by an 80–0 roll-call vote. I was absent; my position against the bill was announced.

The bills which passed are intended to get nuclear power plants into operation faster. Now, if nuclear power were safe, I would have no objection to having it sooner instead of later.

But I am convinced that nuclear power is far too primitive and hazardous at this stage of its development to permit any licensing at all. That is why I introduced the nuclear power moratorium bill, S. 3223, on February 23, 1972.

### THE LOGIC OF THE VOTE

The only alternative to supporting a moratorium on nuclear licensing is to support continued licensing. There is no middle ground. Either you continue licensing, or you stop licensing. The positions are adjacent, not opposite extremes of some continuum. Therefore, Members of Congress can shift from one position to the other in a flash.

If you are not yet ready to stop nuclear licensing, then you might as well accelerate it. After all, if nuclear power plants are safe enough today to license at all, why not expedite them a little? A nonexistent threat to public safety and national security will be exactly the same whether nuclear plants go into operation 6 months earlier or 6 months later.

### WHAT MATTERS AND WHAT DOES NOT

The same is true about some very real nuclear threats, too. The major unsolved problems of nuclear power can be abbreviated into seven categories:

First, deficiencies in design, including the crucial emergency core cooling system.

Second, haphazard quality control in manufacturing and construction.

Third, vulnerability of powerplants to sabotage.

Fourth, vulnerability of fuel reprocessing plants to accidents and sabotage.

Fifth, transportation accidents, especially involving plutonium.

Sixth, likelihood of theft of fissionable material, especially plutonium, to make private atom bombs.

Seventh, absence of place or reliable method for storing radioactive waste for the next half-million years.

Under such circumstances, it is of virtually no importance whether you license a particular nuclear power plant in the spring or in the fall, or whether AEC hearings consumer 2 weeks or 2 years. What matters is the persistence of fundamental unsolved problems which could result in unintended, but irrevocable, nuclear pollution.

The important question is not how rapidly we license nuclear power plants, but why we allow licensing at all.

### ARTICLE PLACED IN THE RECORD

The case against nuclear licensing is made with incisive logic in an article from the winter 1971 issue of Environmental Law, a journal of the Northwestern School of Law in Portland, Oreg. The article, entitled "Nuclear Power, Technology, and Environmental Law," is written by Drs. Arthur R. Tamplin and John W. Gofman, who originally proposed a nuclear moratorium in testimony before the Pennsylvania State Legislature in August 1970.

Mr. President, I ask consent that the article be printed in the RECORD.

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

[From Environmental Law Journal, Northwestern School of Law, winter 1971]

### NUCLEAR POWER, TECHNOLOGY AND ENVIRONMENTAL LAW*

JOHN W. GOFMAN** and ARTHUR R. TAMPLIN***

In the discussions with the editors that led to the request for the writing of this article, two points were made:

(1) One of the major problems that citizens have when they try to stop the AEC or private utilities from building nuclear power plants is the lack of relevant scientific information that could be used as evidence to point out the dangers that are present when nuclear power plants are built.

(2) We would like to invite you to contribute a technical article for our journal that would help both lawyers and private citizens when they are faced with problems of presenting evidence at AEC Hearings.

Our major thrust will be to show that we do not believe that the nuclear power threat to the environment should or will be solved by citizens and their legal advisors fighting AEC and the utilities concerning the construction of a *particular* nuclear power facility. We are aware that many environmentalists and environmental lawyers feel that the legal approach is one effective way, among many, to tackle this problem. Some among both groups express little hope that legal approaches will solve anything *directly*, but that such approaches will, by attracting wide public attention, bring pressure to bear upon legislators, state and federal, to reappraise the entire venture into nuclear power generation.

There is certainly no doubt that the reactions against construction and operation of nuclear power plants have had two effects. First, several nuclear power plants have indeed been delayed.[1] Second, the issue has become a national one, in some measure the result of public and legal efforts to stop or delay plants, or to insist upon more stringent controls upon emissions of radioactive substances. We would consider any success in delaying plant construction to be counterproductive because in doing so the real issues are obscured.

Since it is possible to say that the issue of nuclear power plants has become a national concern, the real question to ask is whether more of the same approach is worthwhile. We do not think so. Indeed, we consider such efforts to obscure the problem. This issue of nuclear power is too large, too important, to be handled piecemeal. The question to be decided is whether this nation should or should not go forward with *any* program of nuclear power plant construction in its present state of development. The purpose of this article is to provide information to convince the legal profession and the environmentally-concerned citizen that fighting *individual* nuclear power plants is no way to solve such a vitally important national problem.

### THE NATURE OF THE NUCLEAR POWER PROBLEM

The biological effects of radiation and radioactivity are now under intensive study and discussion by the scientific community, by governmental agencies, and by the public. Evidence is being presented to indicate that the seriousness, or magnitude, of biological effects of radiation upon humans has previously been grossly *underestimated*,[2] Our work has led us to the conclusion that the hazard of cancer development from ionizing radiation is some 20 to 30 times as great as "standard-recommending" bodies indicated less than ten years ago.[3] The danger of genetic mutations and the human suffering and death which follow have been underestimated even more than the cancer hazard.[4]

But biological hazard of radiation and radioactivity does not mean that nuclear electric power generation is intrinsically unsafe. We must consider engineering and operating details of the industry before judgment concerning the biological hazard can be rendered. Our most pessimistic estimates of the cancer and genetic hazard of radiation would become irrelevant if *guarantees* were made that humans would *never* be exposed to radiation or radioactivity as a result of the operation of nuclear power generating plants. Of course, it is meaningless to consider only "routine" operation of the nuclear reactor itself. Any realistic evaluation (rarely, if ever, provided by nuclear power proponents) should encompass routine operation, accidental releases of massive quantities of radioactivity at reactors, releases of radioactivity associated with accidents in transport, releases at the fuel reprocessing centers, and releases to the environment associated with radioactive waste management (or *mis*-management).

Footnotes at end of article.

Thus, the biological and the engineering aspects are closely intertwined and must be considered together. The nuclear electric power industry has burgeoned forth in the face of appalling ignorance, misinformation, and lack of candor by the major proponents of the industry. Since this involves the potential for irreversible nuclear pollution of the planet, the problem cannot properly be handled by permitting or denying the construction and operation of a specific plan.

If the engineering and operation of nuclear power plants *can* expose humans to radiation and radioactivity, then the biological hazards become of *prime importance*. The evidence is quite clear that humans will be exposed.[5]

THE ENGINEERING OF NUCLEAR POWER PLANTS AND LOW-LEVEL RADIATION EXPOSURE

The United States Atomic Energy Commission has promulgated regulations concerning the magnitude of permissible releases of a large variety of radioactive substances.[6] These releases are calculated to conform with a so-called primary standard. The primary standard is that no person at the perimeter of a nuclear facility shall receive more than 0.5 rads of total body exposure per year.[7] (A rad is a measure of absorbed ionizing radiation energy.) [8] More lenient standards apply for exposure of a part of the body.[9] If a person breathes the air or drinks effluent water discharged from the plant, the radioactivity content is supposed to be below the level which can result in delivery of 0.5 rads to persons just outside the perimeter.[10]

These release standards are erroneous because, by neglecting proper accounting of uptake of radioactive materials by various human food chains, the standards could allow for grossly higher exposures to the public.[11] The AEC claims that it always considers this issue of the effect on food chains, and that the standards for release of radioactivities can and will be upgraded, so that the 0.5 rad whole body exposure limit will be met.[12] In any event, let us look at the meaning of this 0.5 rad standard and the related recommendations of the Federal Radiation Council that the *average* exposure of the U.S. population should be kept below 0.17 rads per year.[13]

A fundamental question we must ask is the meaning of the primary standard. What is implied by the statement that it is "permissible" for individuals to receive up to the primary standard of 0.5 rads per year from peaceful atomic programs, or for the average public exposure to be as high as 0.17 rads per year? There are two possibilities: (a) no harm accrues to persons exposed, or (b) the benefits to be achieved outweigh any harm.

For it to be true that no harm accrues to persons exposed at an average level of 0.17 rads per year would require that evidence of a "safe" or "threshold" amount of radiation exposure has been presented. No satisfactory evidence of this sort has ever been presented. Not a single standard-recommending body believes any such evidence to exist. We need not argue the "maybes" that some such evidence will mysteriously materialize. The point is that *none* exists.

For it to be true that the benefits outweigh the risks would require that some individual has presented calculations and evidence on this score. Neither we nor anyone else can discover any such evidence or calculations.[14] The simple statement, "Surely the benefits will outweigh the risks" emanating from nuclear power promoters is pure public relations pap.

No proponent of nuclear power has refuted any of the findings that a serious cancer and genetic danger comes of an average exposure of 0.17 rads per year. Scientists differ on the precise magnitude of the problem, but all estimates indicate a hazard of grave proportions.[15]

As a result of our research into the cancer hazard associated with the "permissible" level of radiation exposure, we have come upon a startling realization. The nuclear power industry, including reactor manufacturers, the electric utility industry and the leadership of the Joint Committee on Atomic Energy all have been laboring under the illusion that the "permissible" dose is truly a "safe" dose. The Atomic Energy Commission has certainly *not* discouraged this illusion, to state the situation conservatively.

Congressman Chet Holifield, as Chairman of the JCAE, told us in 1969 he had been given to understand that a 100-fold margin of safety existed in the "permissible" dose. More recently he has stated that the margin of safety is at least six-fold.[16] Both figures are completely unsupported by a shred of evidence.

Electric utility ads abound with statements that the "standards" must be safe because international experts recommended them.[17] The international experts to whom they refer are the members of the International Commission on Radiological Protection. But the electric utility ads conspicuously refrain from mentioning other items in the commission's reports.

In the context of the International Commission's discussion of their recommendation of an average exposure of 0.17 rads per year (or 5 rads in 30 years), it was also noted that:

"Because of the need for guidance in this regard, the Commission in its 1958 Recommendations suggested a provisional limit of 5 *rems* [18] per generation for the genetic dose to the whole population, from all sources additional to natural background radiation and to medical exposures. The Commission believes that this level provides reasonable latitude for the expansion of atomic energy programs in the foreseeable future. It should be emphasized that the limit may not in fact represent a proper balance between possible harm and probable benefit, because of the uncertainly in assessing the risks and the benefits that would justify the exposure." [19]

In a recent publication of the International Commission on Radiological Protection the new data concerning cancer induction in humans exposed to x-rays are reviewed.[20] The conclusion of their data is that the cancer hazard is approximately *30 times* what the International Commission Report No. 9 indicated in 1965. This is an agreement with our own and other's estimates of the extremely serious cancer risk from ionizing radiation.[21]

Dr. Walter Jordan, a prominent advocate of nuclear power, recently published an article stating, "The levels that have been set, even for workers in the nuclear industry, are meant to be at least an order of magnitude below that where physical effects on the individual would be observed." [22]

It is shocking to find that Dr. Jordan, a member of the AEC's Safety and Licensing Panel (which holds hearings regarding construction and operation licenses), is totally unaware of the biological hazards associated with "permissible" doses of radiation.[23]

There are many examples indicating that the entire industrial-governmental nuclear power complex has been appallingly misinformed or uninformed about the hazard of the "permissible" dose.[24] The engineering and construction of nuclear power plants have gone forward with the *false* sense of security that a wide margin of safety exists. Regardless of any statements about the engineering design providing an adequate margin of safety, the fact is that any such design uses as its takeoff point a false illusion of a margin of safety a factor of between 10 and 1,000.[25] Thus, there is ample reason to question *all* the engineering considerations that have served as the bases for the design and construction of current nuclear power plants.

The only rational conclusion we can draw is that the nuclear electricity generation industry needs to go back to the drawing boards. It must factor in realistic consideration of the biological hazard and the absence of any margin of safety in the "permissible" radiation exposure. We would not deny that it may be possible to develop a safe approach to nuclear electricity generation. But to go forward with installation of nuclear power facilities designed and engineered under a false illusion of a margin of safety necessarily represents engineering practice at its worst. When these plants are estimated to have an operating lifetime of 20 to 30 years, the magnitude of the folly is seriously compounded.

THE HAZARD OF MAJOR ACCIDENTS AT NUCLEAR POWER PLANTS

The preceding discussion relates primarily to the "routine" operation of nuclear power facilities. Serious as the doubts are concerning such "routine" operation, there are even more serious questions related to the potential for catastrophic accidents at such facilities. In order to appreciate the implications of such potential disasters, one must consider the prospective deployment of such plants by the electric utility industry.

The electric utility industry sells electric power, primarily to large metropolitan centers characterized by major industrial concentrations and high population densities. Economically, it is desirable, from the utility's point of view, to build its generating stations as close as possible to the electrical load. Transmission lines are costly and transmission losses are economically undesirable. As a result, most nuclear power plants are being built or planned with 30 miles of major cities, with many much closer.[26] In the event of catastrophic accidents, 30 miles is well within the range of severe danger for humans. So is 100 miles, with certain meteorological conditions prevailing.[27]

What is the risk of a catastrophic accident? What are the potential hazards to life and property from such an accident? Surely, it would represent a minimum principle of morality and responsibility for the proponents of nuclear electric power to have thought these questions through carefully and to be prepared to answer them before launching upon a major program of deploying nuclear plants near metropolitan centers. The answers are not only unsatisfactory, they are shocking.

We can dispense immediately with the public-relations-type of answer which abounds from the AEC and the electric utility industry. They simply state that the nuclear power plants are safe.[28] The evidence at their disposal to back such statements simply is *non-existent*. It is *not* an answer to state that we have not had a disaster yet.

*The simple truth is that no ones knows the risk of a catastrophic accident at a nuclear power plant.* The combined total of all experience with all nuclear reactors for the entire atomic energy era falls far short of even minimal reassurance. Let us examine some of the sober statements of experts in the nuclear power field.

Dr. Walter Jordan has pointed out that we have a total of 100 reactor-years of operating experience with commercial nuclear power reactors.[29] This experience, Dr Jordan states, does not give us any assurance that the chance of a catastrophic accident is as low as 1 in 10,000 per reactor per year. But then he notes, "The only way we will know what the odds really are is by continuing to accumulate experience in operating reactors." [30] What reassurance this is for those living in the vicinity of these mushrooming, experimental power plants!

Dr. David Inglis points out that this 100 reactor-years of operation that Dr. Jordan talks about does not assure us that the risk might not be 1 in 100 per year per reactor.[31] With the plans for 100 reactors operating by 1980, such a risk factor could mean one catastrophic accident per year. One per century should be considered intolerable!

The chilling reassurances of Dr. Jordan do

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not tell us the whole story about our "100 reactor-years" of operating experience. The average power of the nuclear plants upon which this experience was achieved was less than *one-fifth* of the 1,000 megawatts of many of the power plants now being built.[32] Our experience with 1,000 megawatt plants is *zero*. Hence, these plants being built in the heart of metropolitan areas can be regarded as totally experimental. Although no evidence exists, it is possible that there may be more severe stresses upon the 1,000 megawatt plants than upon the small ones for which the experience was accumulated.

Dr. Jordan's words leave us with a dark foreboding: "Scientists and the public should be prepared to face the possibility of a nuclear incident just as we expect major earthquakes that will exact a large toll in property and lives." [33]

In 1957, an Atomic Energy Commission sponsored study, the Brookhaven Report, considered the hypothetical consequences of an accident releasing 50% of the inventory of radioactive fission products.[34] Among the conclusions reached were:

(a) The possible evacuation of several hundred thousand persons.

(b) Seven billion dollars worth of property damage.

(c) 3,400 persons killed from acute radiation sickness.

(d) Up to 150,000 square miles of agricultural land contaminated beyond use.[35]

Based upon the doses of radiation accumulated in such a hypothetical accident, it is possible to predict that more than 50,000 persons would die prematurely of cancer as a result of such radiation exposure.

Some have argued that since 1957 engineering improvements have been made which might reduce the risk of such a catastrophe.[36] We hope so. Dr. Jordan suggested that a major accident now might only release 5% of the radioactivity inventory, whereas the Brookhaven Report considered a hypothetical accident with 50% release.[37] We must add, however, that the radioactivity *inventory* of a reactor today is approximately 10 times that of the reactors considered in 1957, so the Brookhaven Report considerations are of no lesser force today (5 x 10 is 50). It should also be noted that the inventory of long-persistent radioactivities in a 1,000 megawatt reactor after one year of operation is equivalent to the long-lived radioactivity from 1,000 Hiroshima atomic bombs.[38]

Dr. Joseph Hendrie, Chairman of the AEC's Advisory Committee on Reactor Safeguards, in a letter (November 12, 1969) addressed o AEC Chairman Glenn T. Seaborg, expressed the serious concern of the Advisory Committee as follows:

"Dear Dr. Seaborg: The Advisory Committee on Reactor Safeguards wishes to reemphasize some previous recommendations concerning the need for safety research in several important areas in which the effort has not been sufficient. The Committee has been recently informed that overall reactor safety funding for FY 1970 and 1971 will be considerably below the AEC estimates of need for the water reactor safety research program, as well as for safety research on seismic effects, on sodium-cooled fast reactors, on high-temperature, graphite-moderated, gas-cooled reactors, and on environmental effects. As a consequence, many safety research activities have not been initiated. The Comslowed, or have been terminated. The Committee reiterates its belief in the urgent need for additional research and development in these areas, and refers in the paragraphs below to earlier statements of the Committee on these subjects * * *.[39]"

In a similar letter to R. E. Hollingsworth, AEC General Manager, the Advisory Committee reiterated its warning concerning the implications of the failure to fund the safety research essential for reactors in the nuclear power program.[40]

Dr. Milton Shaw, AEC's Director of Reactor Research and Development, provided the following "optimistic" reassurance to those who will live for the next 20 to 30 years near the nuclear power plants now under construction:

"The commitments for nuclear plants made in 1966, 1967 and beyond are very important. These large, unprecedented orders really saturated and overwhelmed the capabilities of the country to produce nuclear plants. That is why we have had this heavy backlog of effort on the nuclear plants. Probably another most important point to register is that there are now 71 utilities and some 20 architect-engineering firms dispersed throughout this country working on nuclear plants. Most of these personnel are trying to build the first nuclear plant they have ever built. They have to get their nuclear plant education with this plant. They have to train the special labor skills. The labor situation is not very good right now, anyway. Skilled labor, and engineering and management talent to do these large nuclear jobs is in short supply. This is one tremendously heavy load, unexpected as it was. Normally, when you break in a new and complex industry you have to do it on a more gradual basis than this way.[41]

It appears that the nuclear plants which will ring many of our major metropolitan centers for 20 to 30 years are being built by amateurs and apprentices.

Further testimony from Dr. Shaw is hardly more confidence-building.[42] Those concerned about the danger of a major catastrophe at a nuclear power plant know that loss of integrity of the cooling water flow to the reactor core is the major concern. As a result, a system known as the "Emergency Core Cooling System" has been engineered into the modern nuclear reactors, in the hope that this system will be actuated and thus avert disaster.[43] Such a system has *never* been tested under any realistic conditions. That the AEC considers such a test vital is amply expressed by Dr. Shaw in testimony before Congress.[44] The plans call for the *first* test of such an Emergency System in 1975.[45] The reactors dependent upon the system are being deployed near population centers now.[46]

In reply to questions from Chairman Holifield of the Joint Committee on Atomic Energy, Admiral Hyman Rickover, director of the nuclear submarine program, had the following to say about civilian nuclear power stations:

"There is need for utmost care in design, manufacture, installation and operation of complex systems and equipment inherent in this technology. No carelessness can be tolerated anywhere in the entire chain, or the results may prove disastrous. Unfortunately, there are many who are not aware of the necessity of this approach. The difficulties you refer to in connection with the fabrication of civilian nuclear central power plants are, I believe, largely due to failure to specify and enforce the required high standards for systems and equipment.[47]

There are numerous other statements from the experts in the field [48] which, if taken together, indicate that the current breed of nuclear power plants being installed in metropolitan regions represent a gigantic game of Russian Roulette. There are souls who consider Russian Roulette a rejuvenating experience. Surely the American public deserves at least the opportunity to decide if they want to play.

### THE VERDICT OF THE INSURANCE INDUSTRY: "NO CONFIDENCE"

The nuclear electric power industry, we believe, stands alone among American industries in its inability to purchase liability insurance for major damages it may cause. This came about for the following reasons. The United States Atomic Energy Commission had tried to sell the electric utility industry the idea of nuclear electricity generation. The private insurance industry, recognizing the potential for astronomical liability from nuclear power plant accidents, refused to consider carrying any major share of the liability.[49] The electric utility industry refused to budge into the nuclear power field. In a gesture of disdain for the rights of the public, the Congress of the United States, prodded by the Joint Committee on Atomic Energy, passed the now infamous Price-Anderson Act.[50] While heralded as a law to hasten bringing "the benefits of the atom" to the American public, this Act simply disenfranchised the public. The Price-Anderson Act originally set a maximum liability of 500-million dollars for a single nuclear power plant accident. Later this was raised to 560-million dollars.[51] It is interesting to contrast this figure with the 7-billion dollar damage potential estimated by the AEC's Brookhaven Report. Of further interest is that even today the private insurance industry will carry only 82-million dollars of this 560-million dollar liability, the remainder of the inadequate insurance being carried by the U.S. government.[52]

Nuclear power proponents have stated that the private insurance industry lacks the actuarial experience and that this accounts for its reluctance to insure nuclear power plants for a significant portion of the potential liability. Precisely correct! What is not stated by the nuclear power proponents is that the U.S. public also lacks the actuarial experience with respect to loss of life from nuclear power plant accidents. But the public is not granted the same option as the insurance companies—the public is forced to take the risk of life itself.

It is a strange spectacle indeed for the AEC to be licensing nuclear power plants that are uninsurable. If the plants were safe, they should be insurable. If they are uninsurable, it defeats understanding how they may be considered worthy of licensing.

The private insurance company industry has taken additional action to protect itself against the nuclear electricity industry. Practically all homeowners' policies now carry exclusion clauses which absolve the insurance carrier of liability in the event of nuclear accident or radioactivity damage to property.[53] It appears the public is lulled into believing such exclusion clauses were inserted because of concern over nuclear war. If the insurance companies had nuclear war in mind, they certainly would not find it difficult to state so in the policies.

### EMPTY ATOMIC ENERGY COMMISSION PROMISES

The first reaction of the AEC to several recent estimates concerning the 20 to 30-fold greater cancer hazard from radiation was to ridicule the estimates.[54] But soon numerous other scientists made similar, or even more dismal, estimates of the cancer hazard. Next, the estimates of the genetic hazard appeared, which paled the cancer hazard evaluation. The Commission and its supporters in the nuclear electricity industry had to develop a new strategy. They stopped ridiculing the cancer hazard associated with the "permissible" population exposure of an average of 0.17 rads per year. The grand pronouncement was made that nuclear power plants were not delivering anywhere near the 0.17 rad average to the population.[55] Of course, this was known to everyone before the AEC exhumed this discovery. Indeed, we had carefully and explicitly pointed this out with our original presentation of the cancer hazard estimates.[56] But the AEC spokesmen went further and promised that nuclear electricity generation would never deliver even a small fraction of the 0.17 rad average to the population, even with the full development of nuclear power plants.[57]

This AEC promise *seemed* eminently reasonable. In meetings, in lectures, in print, people asked AEC spokesmen why they were so desperately fighting the proposed reduction in the "permissible" exposure of the population.[58] No answer, ever.

The AEC's reluctance to reduce the "per-

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missible" exposure in the face of its assurances that the nuclear power industry would never deliver even a minute fraction of this dose puzzled many people. It finally even puzzled Congressman Craig Hosmer of the Joint Committee on Atomic Energy. So Congressman Hosmer asked Commissioners James T. Ramey and Wilfred E. Johnson and the late Commissioner Theos J. Thompson why such a large "cushion" was required in the "permissible" doses.[59] After numerous uninformative exchanges, Mr. Hosmer repeated his question. And finally the answers spilled forth.

From the late Commissioner Thompson:

"Mr. Hosmer, we don't have at the moment any way to set a reasonable cushion. There is not that sort of experience. So we should not move and make that cushion until such experience exists." [60]

And from Commissioner Johnson:

"I wanted to add, with regard to the same point that Dr. Thompson brought up that we do not need the flexibility in the levels, in part, because they have to apply broadly over various kinds of plants, such as chemical processing plants, as well as reactors." [61]

And a little later, he added:

"On top of that, we must consider new plants that come along. They will have different kinds of releases and the limits have to apply to them, too." [62]

Some AEC spokesmen have complained that the controversy over nuclear power safety has damaged the credibility of the AEC. A perusal of the glaring discrepancy between AEC spokesmen's public relations promises concerning exposure and AEC testimony presented above readily clarifies from where the loss of AEC credibility comes.

RECOMMENDATION FOR A NATURAL MORATORIUM ON NUCLEAR POWER PLANTS

We believe the material presented here indicates that the rash proliferation of nuclear power plants near major metropolitan centers is unwise. The nuclear electricity is doing its research and development "in the field," with the American public participating as guinea pigs in a gigantic experiment. The citizens who have been aroused sufficiently to protest nuclear power plant installations have recognized this fact.

In an effort to stem the tide of protest, nuclear power proponents have threatened the specter of brownouts, loss of air conditioners, and the withering away of the American way of life. Yet, no rational discussion has taken place in this country concerning realistic or desirable levels of electric power consumption. Very few persons, with even a minimum of understanding of environmental impact of electric power production, would agree that the optimum electric power output should be that which the utility companies can sell with a determined advertising campaign. The documentation of the case that "we need nuclear power now" is simply nonexistent.

The entire question of whether we will *ever* need nuclear fission electric power stations needs careful examination in the public forum. Any research and development of nuclear electric power should be conducted in remote, underground locations, rather than upon the public. The PRICE-ANDERSON ACT should be repealed forthwith, and the nuclear power industry, thereby, be forced to assume its liability. The cancer and genetic hazards of "permissible" radiation dosages need to be fully explained to the public.

All of these objectives can best be met through a moratorium on nuclear power plant construction until the issues are fully considered. Realistic power requirements must be ascertained. The various alternative approaches to meeting electric power requirements must be carefully assessed.

None of these objectives are achievable through a plant-by-plant battle between concerned citizens and the nuclear juggernaut. It is not a question of a particular power plant. Rather, it is a question of wanting or not wanting nuclear power at all in its present state of development, or, more properly, lack of development.

We believe that members of the legal profession concerned with environmental problems would be best advised to join citizens in the effort, through legislation or initiative, to achieve a moratorium on nuclear power plants.

FOOTNOTES

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[1] Calvert Cliffs Nuclear Power Plant, Unit 1, Lusby, Maryland; Davis-Bease Nuclear Power Station, Oak Harbor, Ohio; Shoreham Nuclear Power Station, Brookhaven, New York; Palisades Nuclear Power Station, Southhaven, Michigan; Vermont Yankee Generating Station, Vernon, Vermont; Monticello Nuclear Generating Plant, Monticello, Minnesota; Enrico Fermi Atomic Power Plant, Lagoona Beach, Michigan.

[2] Gofman & Tamplin, *Low Dose Radiation and Cancer*, 17 THE INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS, INC. TRANSACTIONS ON NUCLEAR SCIENCE 1 (1970); *Hearings on S. 3042 Before the Subcomm. on Air and Water Pollution*, 91st Cong., 2nd Sess., at 58–73 (1969); A. TAMPLIN & J. W. GOFMAN, "POPULATION CONTROL" THROUGH NUCLEAR POLLUTION 7 (1970).

[3] Gofman, Gofman, Tamplin & Kovich, *Radiation as an Environmental Hazard*, PROCEEDINGS OF THE 24TH ANNUAL SYMPOSIUM ON FUNDAMENTAL CANCER RESEARCH, ENVIRONMENT AND CANCER, M. D. Anderson Hospital, Houston, Texas (in press).

[4] Gofman & Tamplin, *Nuclear Energy and the Public Health*, VI NEVADA ENGINEER No. 5 (October 1970).

[5] *Hearings On Environmental Effects of Producing Electric Power Before the Joint Committee on Atomic Energy*, 91st Cong., 2nd Sess., pt. 1, at 191–194 (1969).

[6] AEC Standards for Protection Against Radiation, 10 C.F.R. § 20.0 (1971).

[7] *Id.* at § 20.4(b).

[8] *Id.* at § 20.105(a).

[9] *Id.* at 20.101(a).

[10] *Id.* at § 20.106(e).

[11] Tamplin, *The Regulation of Man-Made Radiation in the Biosphere*, in NUCLEAR POWER AND THE PUBLIC (H. Foreman ed. 1971).

[12] *Supra* note 5, at 179–181.

[13] FEDERAL RADIATION COUNCIL, STAFF REPORT NO. 1 ON BACKGROUND MATERIAL FOR THE DEVELOPMENT OF RADIATION PROTECTION STANDARDS pt. V, at 26–30 (1960).

[14] J. W. GOFMAN & A. TAMPLIN, POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS (1971).

[15] Gofman & Tamplin, *Radiation: The Invisible Casualties*, 12 ENVIRONMENT No. 3, 12–19, 49 (April 1970); Lederberg, *Government is the Most Dangerous of Genetic Engineers*, Washington Post, July 19, 1970; Pauling, *Genetic and Somatic Effects of High-Energy Radiation* 26 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 7, 3–5 (1970).

[16] *Hearings of Environmental Effects of Producing Electric Power Before the Joint Comm. on Atomic Energy*, 91st Cong., 2nd Sess., pt. 1, at 1588 (1970).

[17] Bonner, *Atomic Q. and A*, P.G. and E. LIFE, July-August 1970, at 15–17.

[18] A "REM" is a roentgen-equivalent man. The "REM" is the product of the RAD dose times the RBE, where RBE is relative biological effectiveness which compares effect of any specified form of radiation with the effect of x-rays. Gofman, *Medical Effects of Radiation*, MODERN NUCLEAR TECHNOLOGY (Mills, Biehl, Mainhardt ed. 1960).

[19] *Radiation Protection: Recommendations of the International Commission on Radiological Protection*, ICRP PUBLICATION 9, at 15 (1965).

[20] *Radiation Protection: Radiosensitivity and Spatial Distribution of Dose*, ICRP PUBLICATION 14 (1969).

[21] Pauling, *Genetic and Somatic Effects of High-Energy Radiation*, 26 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 7, 3–8 (1970).

[22] Jordan, *Nuclear Energy: Benefits versus Risks*, 23 PHYSICS TODAY No. 5, 32, 37 (May 1970).

[23] *Ibid.*

[24] AEC, NUCLEAR POWER AND THE ENVIRONMENT, at 23 (1969); *Hearings* * * *, *supra* note 16.

[25] *Ibid.*

[26] *Supra* note 14, at 366–367.

[27] AEC, THEORETICAL POSSIBILITIES AND CONSEQUENCES OF MAJOR ACCIDENTS IN LARGE NUCLEAR POWER PLANTS, WASH—740 (1957).

[28] Advertisement, *The Western White House is Located About 4400 Yards from This Nuclear Power Plant*, TIME 42–43 (June 22, 1970).

[29] *Supra* note 22, at 38.

[30] *Ibid.*

[31] Inglis, *Nuclear Energy and the Malthusian Dilemma*, 27 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 2, 14, 17 (1971).

[32] *Supra* note 14, at 366–367.

[33] *Supra* note 22, at 38.

[34] *Supra* note 27.

[35] *Ibid.*

[36] *Supra* note 22, at 32–38.

[37] *Id.* at 38.

[38] *Supra* note 14, at 189.

[39] *Hearings on AEC Authorizing Legislation, Fiscal Year 1971 Before the Joint Comm on Atomic Energy*, 91 st Cong., 2nd Sess., pt. 3, 1619–1620 (1970).

[40] *Ibid.*

[41] *Id.* at 459.

[42] *Id.* at 1156–1376.

[43] *Emergency Core-Cooling Systems for Light-Water-Cooled Power Reactors*, 24 NUCLEAR SAFETY INFORMATION CENTER (October 1968).

[44] *Supra* note 39, at 1156–1376.

[45] *Ibid.*

[46] *Supra* note 14, at 366–367.

[47] *Hearings on Naval Propulsion Program, 1970 Before the Joint Comm. on Atomic Energy*, 91st Con., 2nd Sess., 96 (1970).

[48] *See supra* note 14.

[49] *Id.* at 171–188. Green, *The Risk-Benefit Calculus in Nuclear Power Licensing*, SYMPOSIUM ON NUCLEAR POWER AND THE PUBLIC (1970).

[50] Act of Sept. 2, 1957 Pub. L. No. 85–256.

[51] 42 USCA § 2210(e) (1970).

[52] *Supra* note 49.

[53] Refer to your own homeowner's policy.

[54] *Hearings on Environmental Effects of Producing Electric Power Before the Joint Comm. on Atomic Energy*, 91st Cong., 1st Sess., at 685–692 (1969).

[55] Address by Theos. J. Thompson, AEC Commissioner, Briefing Conference for State and Local Government Officials on Nuclear Development, Columbia, South Carolina, May 21, 1970.

[56] Gofman & Tamplin, *Low Dose Radiation and Cancer*, *supra* note 2.

[57] *Supra* note 55.

[58] Victor P. Bond testimony, *Hearings on the Vermont Yankee Nuclear Power Plant Before the Public Service Board of the State of Vermont*, September 1970.

[59] *Supra* note 5, at 205–206.

[60] *Id.* at 205.

[61] *Ibid.*

[62] *Id.* at 206.

## CARE FOR NARCOTICS ADDICTS

Mr. SCOTT. Mr. President, with very little fanfare, President Nixon recently signed into law an important measure that provides care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. This new law, it is hoped, will have a significant impact on the problem of recidivism, criminal repeaters, especially as such crime is drug related.

On February 25, 1972, Federal district judge Charles R. Richey rendered a very significant opinion here in the District of Columbia. The case in point, the Turner case, involved an unarmed street robbery committed by a young man with a drug habit to support. Judge Richey complained that existing law was so restrictive that he had no choice but to rule against the man, for the 1966 Narcotics Addict Rehabilitation Act specifically excludes the benefits of drug treatment programs for those who commit "crimes of violence" by virtue of drugs. In other words, the chances of breaking the man's drug-crime-drug cycle were nearly impossible.

Judge Richey urged that treatment facilities be provided for drug addicts charged with crimes of violence after imposition of sentence. He noted that there are several programs presently available from the time of arrest through the whole trial process up to the imposition of sentence, but that thereafter hardly anything could be expected. The judge further indicated that although therapy can prevent addicts from continuing a life of crime after release, the exclusion of the benefits of treatment under the 1966 NARA provisions for those who commit crimes of violence by virtue of drugs works against this concept.

Not more than a week later, the Senate passed S. 2713, a bill authorizing the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. This administration-sponsored measure precisely hit upon one of the glaring loopholes of the NARA—that is, the inability to provide aftercare services for these addicted criminals.

Because of my concern over the need for this new law to be effective, I wrote to Norman J. Carlson, Director of the Federal Bureau of Prisons. I asked him to bring me up to date on the procedures employed in the treatment of these individuals in Federal penal and correctional institutions. Mr. Carlson responded by telling me that programs for the "excluded" persons were now in operation at seven institutions, including the U.S. penitentiary at Lewisburg, Pa., a long-term adult institution.

Mr. Carlson mentioned approvingly that the recently passed Senate bill broadened the concept of addiction to include persons who are dependent on "soft" as well as "hard" drugs. He also noted with some satisfaction the provision of that bill authorizing special services to drug dependent probationers as an alternative for commitment.

I was particularly interested in the operation of the drug abuse program at the Lewisburg Penitentiary. The primary selection factors for treatment are a history of drug usage and a motivation for treatment. The programs are essentially voluntary and the general treatment begins from 12 to 18 months before their anticipated release. With the new law in effect, residents who have completed treatment in a drug abuse unit will become eligible for aftercare services as do NARA releasees. Mr. President, I ask unanimous consent to include in the RECORD a summary of the program now in operation at the Lewisburg facility.

The fiscal year 1973 administration request for narcotic addict treatment programs in the Bureau of Prisons is approximately $3.4 million. This covers the cost of treatment of narcotic addicts while in institutions and provides for aftercare treatment services after the inmate is released. The additional cost of the new law will be minimal, but still rather important to the program's effectiveness.

The House of Representatives just approved the full budget request for the Bureau of Prisons, thanks largely to the efforts of Congressman TOM RAILSBACK of Illinois. Had the budget been cut by the $1 million which he was successful in restoring on the floor, an estimated $100,000 for drug addiction treatment would have been lost along with $500,000 for aftercare services for 253 new releasees. I intend to watch the progress of this appropriations measure very closely and will support fully the entire budget request. We simply cannot afford to cut corners on a measure as important as this.

To those who say that Congress and the administration are unable and unwilling to respond to a demonstrable need, I say, "look at this new law." We have taken another step in the long, slow process of criminal rehabilitation with the enactment of this measure. It certainly will not be the cure-all, but if it enables an estimated 5,000 individuals to become productive members of society over the next 5 years, then it will be well worth the effort it took to pass the law.

One final remark needs to be made about Judge Richey's decision in the Turner case. Every once in a while it is necessary to remove the traditional cloak of judicial restraint to make a point, and a good point at that. This widely read decision placed the burden directly where it belonged—on the men and women elected to represent the people of the Nation. Mr. President, I ask unanimous consent that the decision and the Lewisburg drug treatment program summary be printed in the RECORD.

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

[U.S. District Court for the District of Columbia, Criminal No. 1467-71]

UNITED STATES OF AMERICA VERSUS LARRY R. TURNER

Appearances: Brian W. Shaughnessy, Esquire, Raymond Banoun, Esquire, Attorneys for the Government.

Jon P. Avelrod, Esquire, Attorney for the Defendant.

OPINION BY JUDGE CHARLES R. RICHEY

This case is before the Court pursuant to the defendant's Motion for a Civil Commitment in Lieu of Prosecution under Title I of the Narcotic Addict Rehabilitation Act (NARA), 28 U.S.C. § 2901, *et seq.* (1970). Since the defendant is charged with an unarmed street robbery, the government urges denial of the defendant's motion because Congress has specifically excluded persons charged with crimes of violence from the benefits of Title I of NARA. The government contends that the defendant is ineligible for treatment under the Act, since an unarmed street robbery is by definition a crime of violence under NARA.[1] The defendant counters this position by arguing that he is a drug addict who would benefit from the treatment and counseling stemming from a commitment under Title I of NARA. Furthermore, the defendant contends that Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), is unconstitutional on its face and as applied to the facts herein.

DEFENDANT'S BACKGROUND

The Court has had the opportunity to carefully examine the defendant's background, and it believes that a brief summary is appropriate at this point. The evidence shows that the defendant is a twenty-two year old young man who was born with a twin brother on March 23, 1949, in Emporia, Virginia. The defendant and his brother were reared primarily by their grandmother until 1964, when they came to Washington to live with their mother, step-father and an older brother. The defendant dropped out of school sometime between the sixth and eighth grades in order to go to work. Eventually, the defendant, due to a lack of intellect, experience and strength of personality, became involved with an undesirable group of friends. This led to a juvenile record (primarily in the form of unauthorized use of automobile charges) and later a drug-oriented life style. In 1970 the defendant was convicted as an adult for petit larceny, and in 1971 he was convicted for a violation of the Uniform Narcotics Act.

The evidence herein is also *undisputed* as to the following with respect to the defendant:

(1) To date he has received no meaningful and effective treatment for his drug addiction.

(2) At present, medical authorities state that the defendant's drug addiction supersedes in importance his other problems—personal and psychological.

(3) The recent history of the accused suggests that he cannot benefit from a community-based narcotic treatment program.

(4) Medical authorities state that the defendant can be helped in a controlled institutional setting which is designed for the treatment of addicts both with regard to their drug addiction and the underlying factors influencing their dependence on drugs.

(5) There are currently no correctional or other appropriate facilities in the District of Columbia available to meet the needs of the defendant and hundreds like him. However, the NARA facility at Lexington, Kentucky, is available for individuals who have the same problem.

(6) The defendant is not a hardened criminal in the classical sense, but a somewhat impoverished individual who is not in control of the events of his life, and who needs assistance in understanding himself in order to come to terms with the factors that

[1] The police record in evidence discloses that the defendant walked up to the complainant and said: "Give me your money!" This resulted in a taking of $12.50, but no physical harm to anyone.

have led him down the path of drugs and criminal activity.

The defendant argues and the evidence supports the conclusion that incarceration in District of Columbia or regular penal facilities will do nothing to solve his problem of drug addiction or his underlying problems. The Court fully agrees with the defendant on this issue. As indicated earlier in this opinion, the defendant has already been incarcerated for both juvenile and adult offenses, but at no time has he received extensive treatment for his narcotics addiction. Should the defendant be convicted for the instant offense, he will still receive no help with respect to his addiction to drugs, since he would not be eligible for a commitment under Title II of NARA, 18 U.S.C. § 425, *et seq.* (1970), since the same exclusion for crimes of violence is present in that title as is present in Title I.

The Court believes that it must state quite frankly that it is very troubled by the defendant's dilemma. It is shameful that our laws and society will not permit the defendant this opportunity of evaluation and therapeutic and psychological treatment under tightly controlled supervision. Moreover, the Congress and our society have become more aware of how to deal with drug addicts than was the case in 1966 when NARA was enacted.

The fact and evidence here demonstrate conclusively that this defendant and others similarly situated need to be treated—not incarcerated and hardened further in the ways of crime.

DISCUSSION OF NARA

Before the Court addresses itself to the issue of constitutionality, it is felt that a brief discussion of the Narcotic Addict Rehabilitation Act is in order. The Act was passed by Congress in 1966, and the legislative history clearly shows that the purpose was to provide comprehensive treatment for drug addicts both within and without the context of federal criminal cases. Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), provides the alternative of civil commitment in lieu of criminal prosecution in the discretion of the District Court, and it is this section which is the subject of the instant defense motion. Title II, 18 U.S.C. § 425, *et seq.* (1970), permits the sentencing judge to commit a convicted offender to a narcotics rehabilitation facility instead of a prison. Title III, 42 U.S.C. § 3401, *et seq.* (1970), provides for a straight civil commitment of narcotic addicts who are not charged with a criminal offense.

Both Title I, as provided in 28 U.S.C. § 2901 (g) (1), and Title II, as provided in 18 U.S.C. § 4251(f) (1), exclude from the benefits of the Act those charged or convicted with a crime of violence. The terminology "crimes of violence" is statutorily defined in 28 U.S.C. § 2901(e) and 18 U.S.C. § 4251(b) respectively and includes the offense of robbery. As was stated earlier, the defendant in the case at bar is charged with committing an unarmed street robbery, which he alleges he perpetrated in order to sustain his habit. Under the Act, as presently drafted, it is clear that the defendant cannot be either civilly committed or even sentenced, should he be found guilty of the robbery offense, to NARA type facilities.

CONSTITUTIONALITY OF TITLE I ON ITS FACE

At this point the Court must first determine whether Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), is unconstitutional on its face as argued by the defendant. The defendant contends that the statute as presently drafted constitutes a violation of the Equal Protection Clause of the Fourteenth Amendment of the Constitution, which has been held to be incorporated into the Due Process Clause of the Fifth Amendment. *See, Bolling v. Sharpe,* 347 U.S. 497 (1954). It is argued that Congress acted arbitrarily when it automatically excluded from NARA treatment those addicts who have been charged or convicted with crimes of violence. Further, the defendant states that the distinction made between the addicts fails to demonstrate any "relevance to the purpose for which the classification is made." *Baxstrom v. Herold,* 383 U.S. 109, 111 (1966), Finally, the defendant cites *Watson v. United States,* 439 F.2d 442 (1970), for the proposition that "discrimination between the two classes of addicts is constitutionally unacceptable." *Id.* at 457. In *Watson v. United States, supra,* the United States Court of Appeals for the District of Columbia held the provisions of 18 U.S.C. § 4251(f) (4) (1970), which automatically excludes an offender who has been convicted of a felony on two or more prior occasions to be violative of equal protection. It should be noted, however, that the Court of Appeals restricted its ruling to the facts of the case and the disqualifying exclusion of Title II as applied to the appellant. The Court in *Watson, supra* at 457, considered it crucial that the appellant was a narcotics addict of long standing, and that his eligibility would have been patent except for the fact that he had two prior narcotics convictions that were felonies. The Court of Appeals therefore concluded that the Constitution required eligibility due to the peculiar facts presented by appellant's situation. More recently, however, the United States Court of Appeals for the District of Columbia in *United States v. Leazer,* Criminal No. 24,799 (D.C. Cir., decided January 19, 1972) indicated that the classifications made by Congress in NARA were based on the "legitimate goal of deterrence," and the court stated that it was in no position to say that such a policy judgment was not proper. *Id.* at 5.

In any case where the constitutionality of a statute is questioned, there is a presumption of constitutionality, and there is an extremely heavy burden on the questioning party to rebut the presumption. Having given full consideration to the arguments and memoranda by both counsel, the Court finds that it is compelled by the decisions of *Baxstrom v. Herold, supra,* and *United States v. Leazer, supra,* to uphold Title I of NARA as constitutional on its face.

CONSTITUTIONALITY OF TITLE I AS APPLIED

The second issue before the Court is whether or not Title I of NARA is constitutional as applied to the facts in the instant case. The defendant has urged that the Court should follow the Court of Appeals decision in *Watson v. United States, supra,* which held that the two prior felony exclusion provision as applied in that case was unconstitutional. The Court notes several important differences between *Watson* and the instant case. First of all, the crime in *Watson* was clearly nonviolent in nature. Secondly, in *Watson* the defendant was clearly the kind of individual that Congress wished to treat under NARA. Thirdly, there was obvious unequal treatment given to narcotics addicts charged or convicted of similar narcotics offenses. In the case at bar it has been shown that all individuals who have been charged with crimes of violence have been excluded from the benefits of NARA, therefore all persons in the defendant's status have received equal treatment. Congress has clearly indicated in its legislative history of NARA that it wished to exclude addicts charged or convicted of crimes of violence. Based on the foregoing, the Court concludes that Title I of NARA as applied to the facts in the instant case is constitutional.

CONCLUSION

Although this Court has determined the statute to be constitutional in the instant case, the Court believes that further comment is necessary. The Court has had the opportunity to do much research in the area of drug related crime and the treatment facilities available in the District of Columbia. As a result of this research, the Court makes the following findings:

(1) Although drug addicts have traditionally committed nonviolent crimes, such as shoplifting and forgery, to get their drug money, the increased cost of drugs has led addicts to the commission of more armed robberies and other violent crimes.

(2) Because narcotics addicts continually commit crimes to support their addiction and because narcotics addicts are not cured without extensive treatment, statistics prove that addicts are more apt to become recidivists after they are released from penal institutions.

(3) The cost of drug related crime to the District of Columbia citizens totals more than $30 million a year using the most conservative figures available. Some estimates run as high as $200 million a year.

(4) While statistics are not precisely ascertainable at the present time, prison officials and medical authorities state that narcotics addiction is at epidemic levels among inmates.

(5) Currently, correctional officials state that there is a lack of narcotics treatment available for inmates in the District of Columbia correctional facilities, except in cases of emergency, such as extreme sickness resulting from withdrawal.

(6) The Narcotics Treatment Administration Program is available to a defendant only on an out-patient basis while he is on bond prior to trial or pending sentence upon conviction. No NTA program is available to a defendant during incarceration in a District of Columbia penal institution.

Because of this Court's position in the governmental scheme, the defendant and other addicts similarly situated must rely upon Congress, business leaders in the community, city officials and the public to pass legislation and establish drug treatment programs which will assist in the cure of addiction. It is clear that treatment and/or rehabilitation benefits society by reducing the cost of addiction. For example, the cost of treatment under the Narcotic Treatment Administration Program is approximately $2,000 a year for each addict. Assuming one established a program for treatment of 1,000 addicts, the cost for treatment would be approximately $2 million. Statistics clearly show that an 80% success rate would result in a cost benefit of approximately $16 million. *See, The Economics of Drug Addiction and Control in Washington, D.C.: A Model for Estimation of Costs and Benefits of Rehabilitation,* at 65 (1970).

Aside from the monetary cost benefits of a successful drug treatment program, several other benefits will result, such as:

(1) A reduction or abstinence from the use of drugs by the addict;

(2) A reduction in crime related to addiction;

(3) A reduction in the demands on the criminal justice system, because there will be less crimes to be prosecuted and a decrease in recidivism;

(4) An increase in productivity of the addict;

(5) An increase in the physical and psychic well-being of the addict.

The goal in enlightened correctional philosophy is rehabilitation. If society demands that individuals, such as the defendant, must be held criminally responsible for their actions despite the fact that they are products of addition, then the burden is on society to make every effort to rehabilitate that person. Although medical science has not been able to find a cure for cancer, it is a verifiable fact that narcotics addition can now be successfully treated. This Court hereby calls upon the Congress, the public, and the entire community to take immediate steps to inaugurate a meaningful program

for dealing with addicts along the lines outlined in Title I of NARA.

U.S. PENITENTIARY, LEWISBURG, PA.

Goal: Changing the life style of the ex-addict.

Concentrate on creating a realistic and positive self image of accomplishment for each member of the organization.

(1) Staffing—Caseworker, psychologist, two correctional counselors and a clerical position.

(2) Program Plan—Multi-phase.

A&O UNIT

Basic Orientation—series of four program presentations heavily weighted in the area of achievement motivation. Recruit from the A&O unit for Road Back Anti Addition group which is voluntary in nature and enjoys the same status as a standard Alcoholics Anonymous institutional group—The Road Back group is by design an inmate self help group whose active participants are a recruitment source.

PHASE I

By viewing the Road Back group participation as Phase I of the DAP program utilizing this as a DAP prep school we can demand a greater level of emotional commitment to the program, a higher set of standards of achievement in basic institutional programming as well as a more substantial level of behavior modification as criteria for admission to the formal Phase II DAP program.

The Road Back Monday Evening meeting for a period of 2 hrs serves as an emotional counter balance to the participation levels of the several small therapy groups that meet at various times during the week for one hour sessions. The objective of the small therapy groups in the Road Back Program are to introduce the addict as quickly as possible to the therapeutic situation.

The sessions conducted with a staff moderator extract some degree of involvement even if a large measure of it shields the individual from real revelations of his emotional problems. This non directive approach forces considerable personal discipline.

METHOD OF SELECTION

The institutional caseworker and their respective teams will be assigning men at the time of classification to the drug program. Other significant numbers of drug users who are not readily identifiable in terms of their offense category will be recruited from the A&O unit for the Road Back Anti-Addiction Group—1 year time frame—Use the Road Back group to plant the idea while man is processing through A&O while interest level is high in areas of treatment and rehabilitation for the addiction problems and general programming.

GENERAL PROGRAM

1. A series of A&O recruitment programs initially conducted by staff members and inmates and ultimately placed on video tape so that when the institution completes its closed circuit TV network these programs can be utilized through the institution television media. Programs will be designed to appeal to the basic needs of the addict concentrating on emotional, educational and vocational development. In addition credit will be given for participation in these A&O programs toward becoming members of the Road Back Anti-Addiction Group.

2. Within 90 days after institutional classification all members either voluntarily acquired, or specifically assigned, to the institution drug program will have recorded and compiled a complete needs profile beginning with a psychological assessment, utilizing current test techniques i.e. Minnesota Multiphasic personality Inventory, California Maturity etc., a psychological evaluation based on at least three individual interviews with a qualified clinical psychologist, a distillation of educational testing utilizing the standard tests that are given for normal classification evaluation and specific motivational tests, i.e. Kuder Preference and any of the newer motivational tests plus the evaluation of an experienced educational advisor. In addition an in depth vocational evaluation utilizing the principles of mechanical aptitudes, basic vocational abilities and realistic aspirations.

Temporary Category I status will be given to all volunteer and individuals assigned to the institution drug program with a 90-day intervention to cast program goals.

3. During compilation period the ex-addict and his coach or sponsor from the Road Back Group will be actively involved in program plan.

4. Once a program plan is established it will become the general criteria for evaluation of inmates who will further progress into the DAP program.

5. DAP graduates will be assigned as coaches and linkers and group moderators for a special attention group experiencing various degrees of difficulty and frustration.

6. The Bucknell facility and wives that have volunteered their service after careful screening, can be utilized at this point in special tutoring sessions that address themselves to unique problems of individual learning.

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## "I WALKED IN HIS MOCCASINS"

Mr. STEVENS. Mr. President, a belated honeymoon brought Buchan Jones and her husband to Alaska and to a new and fulfilling, if sometimes difficult, way of life.

Working with the Bureau of Indian Affairs, Mrs. Jones' first teaching assignment was at Pilot Point on the Alaskan peninsula. From there she went to Mount Edgecumbe and then on to Juneau in the capacity of education supervisor. In 1971 Mrs. Jones retired after 15 years as director of admissions at the University of Alaska.

"I Walked in His Moccasins" was written in 1952 as a Christmas message to teachers working in the Alaskan bush. Shortly thereafter, Edward R. Murrow included it in one of his broadcasts. The message contained in the article remains as timely and relevant today as it was 20 years ago.

The message was called to my attention by another Alaskan, Elmer Shaw, who is now with the Environmental Policy Division of the Congressional Research Service in the Library of Congress. Elmer Shaw has written a poem entitled "Skylines of Alaska." I ask unanimous consent that both of the articles be printed in the RECORD.

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

I WALKED IN HIS MOCCASINS

(By Laura Buchan Jones)

Of him who scoffs at his fellow man without understanding—of him who laughs without sympathy—of him who ridicules without tolerance—of him who judges by appearances, the Eskimos are known to say, "For two moons let him walk in my moccasins."

For two moons, I walked in his moccasins. Boldly, happily, wearily, and sadly I walked along the distant trails and ancient bypaths. Wearing his moccasins, I learned many things.

I learned that all men are the same. It is the same things that cause all men to grieve. With some, grief is dry-eyed and silent. With others, grief manifests itself in tears and wailing. Whether the death of a loved one be proclaimed by the beat of tom-toms, the smoke of a signal fire, or the solemn procession along the street, all men mourn.

It is the same things that cause mankind to rejoice, although some men laugh, some men chuckle, and others merely smile. A mother's joy in her baby's first step is dissociated with her complexion. A father's pride in the courage of his son is not governed by the country in which he lives.

In these moccasins, I learned that the compulsions of mankind are democratic. Hunger refutes discrimination, be it raw fish, or rice or black bread, or T-bone steak that men envision in their deliriums of starvation. Cold disclaims fastidiousness. One woman who finds warmth in a fur coat, envied by her neighbors, is contradicted by another who wears hers with the fur inside, unseen.

Far out on the trail one day, I met a man who offered me five beaver skins for my two dollar hunting knife. To my protest of his lavish tender he replied, "Here on the trail your mediocre knife is priceless. Back in the town it is worth but two dollars."

It was then that I saw that the real value which men set upon those things that they desire is determined by the intensity of their needs. I saw, too, that in the frustration of unfulfilled needs, mankind is innately capable of violence toward one another.

Alone and lost in the terrifying emptiness of the storm-enveloped tundra, as my moccasins superimposed their prints on those of the boy who spoke no English, yet rescued me and led me to sanctuary, I discovered the true meaning of education. Man is not stupid if he knows not those things I know. Man is stupid only when he knows not those things he needs to know. Yes, I found that knowledge for knowledge's sake is a luxury that mankind can ill afford.

Then as the storm and gluttonous nights of the North settled their weight upon us, I walked from the chill, windswept house of the white man, where I slept cold and restless, to find warmth and oblivion in a crowded igloo. Lingering contentedly at the fireside of my friend, I learned that the fleeting of time does not justify the discard of yesterday, the haste of today, nor the fear of tomorrow. Yesterday, having departed, has been conquered in the passing. Today, being here, is not suspenseful. Tomorrow, yet to come or not to come, like the temperamental winds, will pass in unpredicted rage or kind tranquillity. In hurrying to meet the time that is yet to come, man is denied the security of the tested past and the beauties of the time that is with him now.

I learned that no man has a monopoly on beauty; no man has a corner on contentment. The red man's sky is just as blue; the yellow man's sun is just as warm; the black man's stars are just as bright; the white man's grass is just as green. Beauty is impartial. Contentment such as that which men enjoy as they sit serenely in their doorways when day is done, is neither rationed by color nor dispersed by race.

There came a time that the very moccasins I wore deprived me of my rightful place among my fellowmen. Rejected, by a sign on an open door, I learned that among all men there are those who disbelieve and those who bestow but lip-service to the ideals that other men cherish. Trudging wearily home, I saw that all men are the same. Most men are good. It is the ignorant and the bad among them that erect a social myth of inequality.

I learned, too, that sometimes men are blind and foolish. They sing of peace on earth. They pray for peace. They search for peace with atom bombs and secret projects. But such an achieved peace is transient. Here today and gone tomorrow, the seeds of its departure are sown at its arrival.

It is a peace immortal that we seek—a peace fabricated upon good will among men.

It is seeing this sameness among men that makes for good will. It is understanding man's apparent differences that makes for peace.

I learned that it is gentleness and humility in a man that make him truly noble; for having these, he knows Man for his trifling smallness; he sees the strength and towering greatness of The Men.

Yes, for two moons I walked in his moccasins. Wearing them, I learned many things.

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SKYLINES OF ALASKA

(By Elmer W. Shaw, forester, Bureau of Land Management, Anchorage, Alaska)

Unrivaled Alaska—vast, unknown, supernal;
Sprawling the width of a continent.
Boasting a skyline of jewels—
Gleaming glaciers, peaks, and pinnacles
Sweeping the stars in their splendor.
Home of the moose and the caribou herd,
Home of the Athabascan native,
The Indian, Eskimo, and Aleut,
Each strong, resourceful, and friendly.
Alaska—aboriginal word for "great land"
Totem-pole land of a myriad faces.
Land of the midnight summer sun
Brewing up thunderheads and dry lightning
Throughout the tinder-dry Interior,
Leaving a scatter of rising smokes
To blacken the forest and tundra.
Heroic men on the firelines,
Cursing the smoke and the rations,
Working on and on 'round the clock,
All hoping for a break in the weather.
Smoke from the spruce and smoldering moss
Hangs like a shroud on the skyline—
Mile upon mile of public domain,
A pattern of forests, lakes, and rivers
Where the silver salmon spawn—
Vast storehouse of vital resources.
Yes, this is Alaska, our great land,
Fossil-old and jet-age new,
Proud in her heritage of men and soil,
A virile, lusty people, swiftly emerging,
Strong in their will to advance.
Frontier Alaska—land of tomorrow,
Ours to nurture, plan, and build,
Ours to preserve and protect for the future.

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## AMBASSADORS OF SONG BEHIND IRON CURTAIN

Mr. MILLER. Mr. President, last week, 50 young men and women from Clarke and Loras Colleges in Dubuque, Iowa, left on a 3-week concert tour of Europe.

This outstanding group, known as the Clarke Collegiate Singers, will visit several European cities, including areas of Hungary at the invitation of the Government of Hungary. It is believed that this is the first American choral group to have been invited by the Hungarian Government to perform in that country.

What these youth expect to accomplish was summed up by one of the singers, Tom Hughes, from my hometown of Sioux City. Tom said:

> The fact that I am going to Hungary, behind the Iron Curtain, is a challenge to all of us. What we do will have an effect on those who meet us and hear us sing. In a sense, we are ambassadors to the youth of other lands.

Mr. President, I ask unanimous consent that an article on this concert tour which appeared in the Des Moines Register of May 17 be printed in the RECORD.

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

[From the Des Moines Register, May 17, 1972]

STUDENTS TO BE AMBASSADORS OF SONG BEHIND IRON CURTAIN

(By Auleene Eberhardt)

DUBUQUE, IOWA.—College students in this city have been practicing instead of protesting.

Fifty young men and women from Clarke and Loras Colleges, who make up the Clarke Collegiate Singers, have been practicing wherever and whenever they could get together.

The group will leave Thursday on a three-week tour of Europe which will include concerts at Budapest and Lake Ballaton in Hungary as a result of an invitation from the government of Hungary. This is believed to be the first American choral group to be invited by the Hungarian government to perform in this country behind the "Iron Curtain."

The invitation came about after the group won three international prizes at the 1970 international Music Festival in Llangollen, Wales.

In addition to the stops in Hungary, the tour will include Ljubljana, Yugoslavia; Salzburg, Austria; Venice, Italy, and Zurich, Switzerland. All members will pay their own way but a donation of $2,000 from the Dubuque Packing Co. will be used for unforeseen expenses.

John Lease, the director, is a graduate of Morningside College, Sioux City, and earned a master of music education degree from Wisconsin State University. He also studied with the American Academy of Opera in New York and performed as a tenor soloist in Carnegie Hall.

"The singers have rapport and it spreads to their listeners," he said. "The girls and boys get honest enjoyment from creating an excellent performance."

Members of the group are from 18 Iowa cities and towns and several out of state towns.

One of the singers, Jack Wertzberger, 19, said, "I'm very excited about this tour. I think it will establish some good human relations with the youth of other countries."

All of the singers feel, as does Tom Hughes, 18, Sioux City, that they have a kind of diplomatic mission to fulfill.

"The fact that I am going to Hungary, behind the Iron Curtain, is a challenge to all of us," he said. "What we do will have an effect on those who meet us and hear us sing. In a sense, we are ambassadors to the youth of other lands."

Kevin McFarlane, 19, looks on the tour as an opportunity for young Americans to show real friendship for young people in all the countries they visit. "It is quite possible that these concerts in Hungary and Yugoslavia could be the means of bringing more warmth in our relations with foreign countries," he said.

Singers in the group who are from Dubuque are:

Miriam Chappell, Mark Cole, Ellen Hartmann, Betty Koethe, Kevin McFarlane, John Wertzberger, Jim Wilberding and Diane Willoughby, Mark Kohnen.

Other Iowans in the group are:

Julie Ament, Cherokee; Linda Berger, Carroll; Diane Bieber, Guttenberg; Mary Bilunas, Tom Hughes, Nancy Meis, David Bitter, all of Sioux City; Rita Breen, Springfield; Tom Coenen, Woodbine; Terese Cummings, Earlville; Katie Driscoll, Bernard; Mike Hamilton, Fort Dodge; Jean Larsen, DeWitt; Connie Link, Balltown; Michele Luttenberger, Burlington; John McGuire, Algona; Kathy Mack, Waterloo; Steve Smith, Epworth; Jim Williams and Tom Teele, Independence; Linda Walker, Scranton; Bill Farmer, Mason City; and Terry Harrington, Oelwein.

## UNITED AIR LINES 25TH ANNIVERSARY

Mr. INOUYE. Mr. President, in April 1934 Hawaii-born William A. Patterson became president of the then fledgling United Air Lines. He has been a central figure in the Nation's air transport industry for four decades and directed United Air Lines for 32 years.

Mr. Patterson retired as United's chairman of the board and chief executive officer in 1966. He now serves as director emeritus and honorary chairman of the board.

On May 1, 1972, United Air Lines marked 25 years of service between Hawaii and the mainland United States with the flight of a 747 Friend Ship named in Mr. Patterson's honor on the same day.

It was under William A. Patterson's leadership that United Air Lines took so prominent a role in the development of air transportation between Hawaii and the mainland.

The 1947 inaugural flights were flown in propeller-driven DC–6 aircraft, queen of the skies at that time. Each plane carried 33 passengers plus mail and freight. The trip took over 9 hours in each direction with the planes averaging 300 miles per hour. By the end of the first year of service, United had carried 16,877 passengers to and from the islands.

In January 1950 United placed Boeing 377 Stratocruisers into island service; and while the trip took about 1 hour longer than it did in the DC–6, passengers now had two-level airliners with a spacious lounge below the main passenger cabin. By the end of the year, United was carrying more than 30,000 persons annually between the islands and the mainland.

The jet era came to the mid-Pacific island chain on March 14, 1960. When United started service with McDonnell-Douglas DC–8's, flying time was cut to about 5 hours and the Hawaiian Islands were deeply entrenched as one of the traveling public's favorite vacation spots.

On July 23, 1970, United Air Lines put its $23 million Boeing 747's into service, and the air traveler was treated to a most luxuriant jet passage across the Pacific.

Today United has over 170 scheduled flights between the islands and 113 cities on the mainland. Later this month, the airline will log its 100,000th flight to and from Hawaii, and by the end of the year, will carry its 10,000,000th passenger to the islands.

Not all of United's business is passengers. During the July 1971 dock strike, the airline carried virtually every type of vital commodity to and from the islands. By the time the strike ended, the airline had flown a total of 347 freighter flights carrying 12,706,393 pounds of freight and mail.

In January 1972 another dockworker stoppage pressed United's planes into an emergency airlift. During the 1-month walkout, the airline flew 72 extra freight flights carrying 13,581,900 pounds of supplies for the islands.

Starting this summer, all of United's flights between the west coast and Honolulu will be flown in 747 Friend Ships.

In honor of United's 25 years of service to the islands, John A. Burns, Governor of the State of Hawaii, made the following proclamation:

I proclaim the month of May 1972 as Hawaii-United Month . . . congratulations on this happy occasion to United Air Lines, its nearly 1,000 employees throughout the State and its 48,000 employees throughout its system.

## "CUBA, CASTRO, AND THE UNITED STATES"

Mr. BEALL. Mr. President, the Reverend Dr. Joseph F. Thorning was invited by Congress to offer the invocation during its recent celebration of Pan American Day. Dr. Thorning, a distinguished resident of my native State and known by many as the "Padre of the Americas," performed this important duty for the 28th consecutive year.

Dr. Thorning is today pastor emeritus of St. Joseph's-on-Carrollton Manor and associate editor of world affairs. Among his published works, his book "Miranda: World Citizen," a biography of the Precursor of Latin American freedom, is still a best seller of the University of Florida Press. The introduction to this work was written by the then President of the Republic of Ecuador, Don Galo Plaza, who is now Secretary General of the Organization of American States. Articles and book reviews by Dr. Thorning appear regularly in World Affairs, America, and the Fordham University Quarterly, Thought. His services in the area of Latin American affairs have been cited in the Catholic Standard, the weekly newspaper of the Archdiocese of Washington, edited by the Reverend Monsignor William O'Donnell. As representative of Dr. Thorning's recent work, I submit his review of Philip W. Bonsal's new book "Cuba, Castro, and the United States," which appeared in this spring's edition of World Affairs and ask unanimous consent that it be included in the RECORD.

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

BOOK REVIEW

(By Joseph F. Tharming)

*Cuba, Castro, and the United States,* by Philip W. Bonsal, University of Pittsburgh Press, 1971, 318 pp., $9.95.

First-hand testimonies are the stuff of history. Viewed in the light of that principle, the book by Philip Wilson Bonsal, U.S. Ambassador to Fidel Castro's Cuba (1959–60), has a definite value. His account proves the cordial attitude of U.S. officialdom toward the forces of the "Revolution" which, amid scenes of popular enthusiasm, took power in Havana on January 1, 1959.

With spectacular patience and boundless good will the U.S. envoy repeatedly presented the case for Cuban-American friendship: geographical proximity, a common faith in democratic procedures, and the mutual advantages available in complementary economies. Mr. Bonsal made every effort to conciliate the "Maximum Leader" and to solve problems in an atmosphere of respect for the sovereignty of the Cuban Republic. He believed Fidel's promises about constitutional guarantees, "free elections," and "Liberty with Bread."

In less than "one hundred days" however, the Castro brothers, Fidel and Raúl, displayed their true colors. Judicial circuses made a shambles of human rights; a campaign was launched against independent educational centers, some of them religious in nature; and communication facilities, including the press, radio, and TV, were either seized or subjected to intimidation. Fidel's degradation of his own hand-picked President, Judge Manuel Urrutia, should have been a sure clue to future developments. Under the circumstances diplomatic skill and "Franciscan" forbearance were doomed to frustration and eventual failure. In October, 1960 Ambassador Bonsal was recalled to Washington for another assignment.

In a chapter entitled "Conclusion," the author calls for the resumption of diplomatic relations and economic collaboration with Cuba. He sees this as a viable and attractive policy only after the overthrow of Fidel, without outlining any program for the move. In the same chapter he describes the Soviet Union as a "power with no geopolitical interest in Cuba, now that it has been demonstrated that Castro's Cuba has no serious role to play in Latin America and that a Soviet power base in Cuba is unacceptable to the United States." (p. 219)

This assertion is made at a time when reputable scholars are on record as persuaded by evidence that there already exists a Soviet base for nuclear-armed submarines in the port of Cienfuegos.

Some of the comments offered by Mr. Bonsal about the volumes he consulted are witty and apt. One must add that he does not appear to have read two books evaluating his own performance in Cuba: *Dagger in the Heart: American Policy Failures in Cuba* by Mario Lazo (New York: Funk and Wagnalls) now in its fourth printing; and *The Losers* by Paul D. Bethel, a press officer in the U.S. Embassy, Havana, in the period under consideration (New Rochelle: Arlington House). *Dagger in the Heart,* it may be emphasized, was the subject of an article in *World Affairs,* Winter 1969. Title of the article: "Is Cuba a Key to Peace?"

## THE CASE-CHURCH AMENDMENT

Mr. GAMBRELL. Mr. President, since the Senate is currently considering the Case-Church amendment to the State Department authorization bill, and since the Senate Foreign Relations Committee yesterday approved a foreign military aid authorization bill with an August 31 end-the-war amendment, I would like to take this opportunity to present my views on our military activity in Vietnam.

At the present time, I am carefully following all developments in Vietnam and in Moscow, and will do everything I can consistent with the welfare of our troops and our POW's to end our involvement there.

I have supported the President's recent actions in the Vietnamese war, in the belief that they are necessary for our troops to effect an orderly withdrawal from South Vietnam, along with the recovery of our prisoners of war. President Nixon has more immediate facts at hand to evaluate the risks of his actions. However, he has announced, and is executing, a withdrawal of our forces from active combat in South Vietnam and I think the bombing and harbor mining which he has ordered is justifiable in view of the attacks on our withdrawing forces by the North Vietnamese. However, this action should not lead us to be optimistic about the outcome of the war in South Vietnam. President Nixon's latest actions would probably have been more effective, had they been taken 3 or 4 years ago. There is little likelihood of "winning the war" since we have reduced our forces to a very small number of men. I would certainly oppose any increase of our involvement in this tragic war.

When I came to the Senate in February 1971, we had already adopted a "no-win" military policy in Vietnam, and I felt that we should complete troop withdrawal in a manner which would assist in securing early release of our POW's. In June 1971, I voted for legislation which would have established a date—certain for withdrawal contingent on release of our POW's. That deadline would have elapsed by now if it had been adopted at that time in the form I supported.

The procedure and timing for further Senate action on end-the-war legislation is unclear at this time. It would seem to me to be advisable to defer action on the Case-Church amendment to the State Department authorization bill due to the talks currently underway in Moscow, as long as we can be assured that there will be no substantial delay in Senate consideration of the foreign military aid authorization bill which contains the August 31 deadline for troop withdrawal.

My present inclination is to support the Case-Church resolution containing the Byrd amendment which I supported. It puts a 1972 deadline on our participation in the war subject to return of prisoners and a cease-fire. This is consistent with President Nixon's most recent proposal. I am inclined not to support the August 31 deadline contained in the foreign military aid authorization bill. This severely shortens our time for withdrawal and gives us no options on the prisoners except further bombing.

Basically, my position has been to support the President in his rapid withdrawal, using every possible bargaining tool to obtain the return of the prisoners. While I have not been in accord with every feature of the President's program, he has not, as yet, seriously departed from the course of action on which we both agree. While I have taken this occasion to express my sentiments on this entire subject, it is obvious that developments, from day to day, could have some bearing on any vote that might be taken. Therefore, no prejudgment should be made on how I might vote on any specific issue now pending or that might come on for decision.

## INFECTED CALIFORNIA BIRDS

Mr. STEVENS. Mr. President, on page 2 of the Friday, April 7, Alaska Ketchikan Daily News, an editorial entitled "Newcastle Disease Has Infected California Birds" appeared. The editorial did not mainly concern Newcastle disease.

It drew a nice parallel between that disease and the Government's reaction to it on the one hand, and the equally economically devastating mercury in halibut situation and the Government's reaction to that problem.

On April 7, the same date the editorial appeared, I introduced S. 3461 and amendment No. 1107 to H.R. 7117. Both of these bills attempted to seek similar solutions to the problem.

S. 3461 provides a purchase-subsidy program under which the Federal Government would purchase fish which the owner was prevented from selling as the result of "prohibitive Federal or State restrictions." Amendment 1107 would provide partial reimbursement for losses incurred by commercial fishermen as the result of prohibitive Federal or State restrictions imposed upon domestic fishing.

The problem still remains unsolved. However, I am hopeful that the Senate will begin the consideration of these bills in the not too distant future.

However, because so many people in my part of the country face such devastating economic losses as a result of the FDA guidelines, I would call my colleagues' attention to this editorial and hope that they will join with us in attempting to resolve the difficulty.

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

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

NEWCASTLE DISEASE HAS INFECTED CALIFORNIA BIRDS

The federal government will spend about $4 million to pull California poultry farmers out of the hole. Newcastle disease has infected two million birds in California and the agriculture department rules that they must be destroyed.

The disease is harmless to humans but is deadly to the birds.

The disease was traced to imported exotic birds, brought into the U.S. by a poultry farmer.

On March 14 Secretary of Agriculture Earl Butz declared a national emergency for the poultry farmers and under his proclamation the farmers will be reimbursed for the birds lost.

Great.

But as a contrast, look what happened to Pacific Northwest fishermen last season. After catching and marketing halibut for over 70 years, the small halibut fishermen in Southeastern Alaska was delivered an economic blow from which many will never recover. The federal food and drug administration ruled that halibut with a mercury content above .05 parts per million could not be marketed. The higher mercury content is found mainly in halibut caught in Southeastern Alaska. Not all halibut in the area had the content but enough did that each fish had to be checked, some complete loads were rejected and much of the rejected halibut still sits in storage. The fisherman is holding the sack.

Two United States senators, Ted Stevens of Alaska and Ernest Hollings of South Carolina, held a hearing in Petersburg last fall to see what the problem was on halibut.

They learned, among other things, that the Canadians are catching and marketing halibut from the same grounds fished by U.S. fishermen. The Canadians have the same mercury limit on halibut but they average the whole load of fish rather than test each fish. They also learned that the Canadians reimburse the fisherman or fish buyer in cases where some form of pollution has suddenly made a crop of catch unfit for the market.

The halibut fishermen had the senators' sympathy. But that is all they got. The poultry farmers got paid.

## SENATOR SCOTT'S RECORD ON MONETARY AND FISCAL POLICY

Mr. MILLER. Mr. President, the key held by Congress to America's economic well-being lies in its control over fiscal policy. Over the years, big spending by those in control of the Congress has contributed its share to the inflationary spiral. Record quantities of imports have also had a detrimental effect on our economy.

The minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), has long advocated, as have I, congressional restraint on spending. He has also favored, as have I, easing the tax burdens on both business and individual taxpayers.

President Nixon's decision to "float" the dollar has had a beneficial impact on our balance of trade, easing somewhat the threat of imports to our domestic economy, although by no means are we out of the woods yet in this area. Senator SCOTT and I both supported this action of the President. I ask unanimous consent to place Senator SCOTT's record on fiscal policy and related matters in the RECORD.

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

SENATOR SCOTT'S MONETARY AND FISCAL POLICY

THE 92D CONGRESS

*Legislation*

S. 680—To restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for the State and local government officials to exercise leadership in solving their own problems; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

S. 1433—To promote more effective management of certain related functions of the Executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs.

S. 2194—To advance by one year the standard deduction provisions of the Tax Reform Act of 1969.

Amdt. 686 to H.R. 10947 Political Contribution Tax Incentives. To provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes.

*Votes*

Voted for extending certain laws relating to payment of interest on time and savings deposits and economic stabilization.

Supported an amendment to allow as a business deduction (instead of a personal deduction) up to $400 per month for domestic help and child care.

THE 91ST CONGRESS

*Legislation*

S. 35—To extend head-of-household benefits under the Internal Revenue Code to unremarried widows and widowers, and individuals age 35 and over who have never been married or who have been separated or divorced for three years or more, and who maintain their own households.

S. 50—Federal Revenue Sharing Act.

S. 1285—To establish a National Economic Conversion Commission.

S. 2259—To amend the Federal Credit Union Act to assist savings and credit needs of low-income persons.

S. 3077—To amend the IRS Code of 1954 to allow credit against income tax to individuals for expenses in providing higher education.

*Votes*

Voted to reduce the oil and gas depletion allowance to the 23% level recommended by the Senate Finance Committee.

Voted to increase the personal income tax exemption $750 by 1972 (a similar plan was included in the final Tax Reform Bill approved by the President).

Voted for Scott-Yarborough amendment to provide that funds of private foundations may be used to influence the outcome of specific public elections or in voter registration drives under certain conditions.

Voted to delete provisions requiring private foundations to terminate their tax-favored status after 40 years.

Voted to provide for a tax credit for expenses of higher education.

Voted to allow charities, educational institutions and art museums to continue receiving contributions without undue tax burden, and to not unduly restrict those who make these beneficial contributions.

Voted to liberalize the restrictions on rental housing and rehabilitation expenses.

Voted for the Tax Reform Act of 1969.

Voted for amendment to Employment Security Amendments requiring the Treasury to issue a new type of savings bond maturing either after 10 or 20 years, with interest at 6%, to be sold on a discount basis.

THE 90TH CONGRESS

*Legislation*

S. 1744—To provide Federal controls over foreign banking corporations operating within the United States.

*Votes*

Voted to allow income tax credit to individuals for higher education.

Voted to restore the investment tax credit and allowance of accelerated depreciation in the case of certain real property.

Voted to exempt from tax the profits from advertising in publications of certain tax exempt organizations.

THE 89TH CONGRESS

*Legislation*

S. 1130—To allow employers income tax credit for providing employee training programs.

S. 1635—To require annual approval by Congress of aggregate amounts of expenditure authorizations contained in general appropriation acts.

S. 2311—To provide for deduction of certain education expenses of teachers.

S. 3014—To allow income tax credit for contributions by individuals to National and State committees of political parties.

*Votes*

Voted against a two-year suspension of the 7-percent investment tax credit applicable to certain depreciable property.

Voted to provide a sliding scale income tax credit up to a maximum of $325 for college tuition and other costs.

Voted to exempt railroad rolling stock from the suspension of the investment tax credit.

Voted to exempt aircraft acquired pursuant to exercise of option under contract binding as of October 9, 1966, from suspension of the investment tax credit.

THE 88TH CONGRESS

*Votes*

Voted to provide liberalized treatment of certain long-term capital gains.

Voted to provide a sliding scale income tax *credit* for college costs up to a maximum of $325.

Voted to provide a tax deduction from earned income by a working college student.

Voted to retain the 4 percent dividend tax credit but to limit it to a maximum of $300.

Voted to repeal retail excise tax on jewelry and furs costing less than $100, and all such tax on luggage, handbags and cosmetics.

Voted to repeal manufacturer's 10-percent excise tax on mechanical pens and pencils.

Voted to reduce from 10 to 3 percent the so-called cabaret tax.

Voted to repeal the 10 percent tax on live theater dramatic and musical performances.

Voted to reduce the tax on general telephone service.

Voted to provide tax deductions for expenses of transportation to and from one's place of business or employment.

THE 87TH CONGRESS

*Legislation*

S. 2—To provide tax deduction for small businesses, for additional investment in depreciable assets, inventory and accounts receivable.

S. 3384—To provide income tax deduction for taxpayer supporting dependents handicapped so as to be unable to care for themselves.

*Votes*

Voted *not* to eliminate the 7 percent tax credit to segments of business for investments in new machinery and equipment.

Voted to permit deduction of certain entertainment expenses "associated" with the active conduct of the taxpayer's business.

Voted to encourage the establishment of voluntary pension plans by self-employed individuals.

Voted to reduce oil and gas depletion allowance from 27½ to 15 percent on a sliding scale based on gross income.

THE 86TH CONGRESS

*Legislation*

S. 526 to prohibit deduction of expenses or losses incurred in illegal wagering.

S. 564 To increase personal income tax exemption to $1,000 for any year dependent is student at college level or above.

S. 566 To allow income tax deduction for vocation transportation for disabled persons.

S.J. Res. 113 To establish Committee on Taxation of Interstate Commerce in order to bring about greater uniformity in state taxation of business income derived from interstate commerce.

S. Con. Res. 70 To create a Joint Committee on Federal-State Economic Relations.

*Votes*

Voted *against* repealing credit against income tax for certain dividends received by individuals.

Voted not to deny deductions in excess of $1,000 annually for (1) entertainment expenses, (2) gifts, (3) dues or initiation fees, and (4) travel to places outside the U.S., Canada and Mexico to attend conventions for advertising purposes.

Voted not to repeal the 4 percent credit for dividends received from domestic corporations.

Voted not to withhold income tax on interest and dividends.

Voted not to deny as trade or business expense deduction expenditures made for entertainment, gifts and club dues.

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## NATIONAL AVIATION SYSTEM PLAN

Mr. PEARSON. Mr. President, I have recently had an opportunity to review the national aviation system plan, as prepared by the Federal Aviation Administration under the leadership of the Administrator, John H. Shaffer. The current issue of Airport World contains an excellent summary of the plan, and I would commend this material to the Senate.

As ranking member of my party on the Senate Aviation Subcommittee, I have been gratified by the detailed research and thought which have contributed to the development of this plan. There is no doubt that aviation activities in the United States will experience a sustained period of expansion in the next decade. During 1971, FAA centers handled 13 million air carrier aircraft and only 3.7 million general aviation aircraft. By 1982, it is estimated that the air carrier figure will reach 15.6 million while general aviation will increase sixfold to 18.3 million. Numbers of aircraft in the U.S. civil fleet will total an estimated 206,310 by 1982, up 54 percent from 1971.

The latest annual edition of the national aviation system plan reflects an increase of almost 800 U.S. civil airports since last year's report—a 7.2-percent rise to a new total of 11,989. Of the total, 3,240 airports are included in the national airport system. As such, they are eligible for Federal development aid.

The FAA foresees a need for 1,410 additional airports through 1982 which would include 112 for combined air carrier and general aviation operations and 1,298 for the exclusive use of general aviation operations.

The FAA projects a funding requirement—including both ADAP and local sponsor funds—of $6.4 billion to meet the airport development requirements for the next 10 years.

The Congress in adopting the Airport and Airways Revenue and Development Acts of 1970 created the aviation trust fund to provide a source for Federal contributions to airport development and airways improvement. As one of the original Senate sponsors of this legislation, I am gratified to note the commitment of the FAA to an aggressive national aviation system plan. Administrator Shaffer is to be congratulated for his foresight in structuring this plan, and is to be commended for his commitment to the orderly development of our national aviation system.

Mr. President, I ask unanimous consent that two articles from Airport World summarizing the national aviation system plan be printed in the RECORD.

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

THE NATIONAL AVIATION SYSTEM PLAN

FUNDING THE PLAN

FAA activities are financed from two sources: the Trust Fund and the General Fund. These funds provide for the expansion and improvement of the nation's airport and airway system and for the imposition of user charges. All revenues from aviation user taxes are appropriated to the Trust Fund. Additional payments to this fund may be authorized by Congress to provide the difference between tax revenues and Airport/Airway appropriations enacted by Congress.

Prohibited is the use of Trust Fund user tax revenues for FAA operations and maintenance expenses. User tax money may be expended only on programs for airport development and planning, airway facilities, research and development, and administrative costs associated with the airport and airway programs.

FAA safety regulation actvities and the National Capital Airports (Dulles Int'l. and Washington National) are financed from the General Fund. Trust Fund appropriations are divided into the following three categories (shown with recommended funding levels):

Engineering and Development: No specific amount is allocated in the Airport/Airway Act; expectations are that urgent E&D requirements will exceed an annual obligational authority of $100 million.

Facilities and Equipment: An annual obligational authority through June 30, 1980, of not less than $250 million for the acquisition, establishment and improvement of air navigational facilities.

Airport Development: A total obligational authority through June 30, 1980, of $2.5 billion for airport development, including $250 million annually for air carrier and reliever airports for fiscal years 1971–1975, plus $30 million annually for general aviation airports; obligations for 1971 through 1973 are not to exceed $840 million. The planning grant program is authorized a total of $75 million (but not to exceed $15 million in any one fiscal year); matching grants are authorized up to two-thirds of the project cost.

The National Aviation System Plan provides for the orderly acquisition of new facilities and equipment at a rate great enough to fulfill immediate system shortcoming as well as provide for future demands. In recent years the system has failed to keep pace with changes required by aircraft development and generated by increases in air transport.

A need for continuing expansion is seen throughout the next decade because the flight activity for 1982 is expected to be double that of 1971.

Estimated FAA expenditures for fiscal years 1973–82 will total approximately $22 billion, considerably in excess of the estimated $12.8 billion revenues. The funding planned during this period for facilities/equipment and engineering/development for the airport/airway system is about $900 million in excess of the amounts anticipated at the time the Airport/Airway Act was enacted (May, 1970).

To support these planned higher levels of investment, additional or increased user charges will be proposed in 1973, depending upon the results of the cost allocation study awarded the Resource Management Corp. (Bethesda, Md.) in August of 1971, and upon revenue projections.

What will be the "shape" of the next 10 years?

General aviation, air carrier and military activity combined will result in significant increases in airways and air terminal traffic that will have to be handled by FAA facilities. Predictions are that the number of IFR aircraft to be handled by Air Route Traffic Control Centers will grow from 21.3 million in FY 1971 to 38.7 million in 1982.

During 1971, centers handled 13 million air carrier aircraft and only 3.7 million general aviation aircraft. By 1982, it is estimated that the air carrier figure will reach 15.6 million while general aviation will increase sixfold to 18.3 million.

FAA-operated airport traffic control towers logged 54.2 million aircraft operations in FY 1971. This total is expected to grow to 81 million in 1976 and to reach 130 million in 1982. Part of the increase in operations will result from the installation of new towers, with growth in activity at existing tower-equipped airports accounting for the remainder.

Air carrier and general aviation flying will account for all of the growth in operations, as military activities are expected to decline at airports with FAA control towers.

Flight services provided by FAA flight service stations and combined station/towers numbered 48 million in FY 1971. This total is expected to increase to 142.3 million in FY 1982.

Pilot briefs, which constitute the largest volume of services and which are primarily for general aviation pilots, are expected to increase to over three times the current level. Filings of flight plans and aircraft contacts are expected to be at least two times greater in 1982 than in FY 1971.

Numbers of aircraft in the U.S. civil fleet

will total an estimated 206,310 by 1982, up 54% from 1971. Of these, 203,000 or about 98% will be general aviation aircraft (which, in 1971, numbered 131,407). In addition some 21,000 military aircraft will operate in U.S. airspace.

The U.S. air carrier fleet will not increase as rapidly as passenger traffic, reflecting the greater productivity of larger capacity subsonic aircraft and the eventual introduction of supersonic transports. The fleet is expected to total 3,310 aircraft in 1982, up 30% from the 2,679 in service at the beginning of 1971. Jets will account for nearly all of the fleet's capacity by 1982; turboprops will be found primarily on low-density routes.

Over the next decade, today's standard four-engine jet will be replaced on high-density, long-haul passenger routes by larger three- and four-engine jets. By the end of the period, two-engine wide-body jets will be entering scheduled service in significant numbers and supersonic transports, though relatively few, will be contributing significantly to capacity in international passenger service.

Development of V/STOL and STOL aircraft for air carrier service will continue, however the timing of their introduction in substantial numbers is still indefinite.

Re general aviation aircraft, rotorcraft and turbine-powered fixed-wing aircraft will show the highest proportional increases during the next 10 years, though they still will account for a relatively small percentage of the total fleet. Dominance will continue to be held by piston-powered, single-engine aircraft.

Military aircraft in the 48 continental states are expected to decrease slightly from about 20,500 on June 30, 1971, to 19,600 by June 1972. Thereafter, the active inventory will increase to the 21,200 level—a gain of 8%—and remain at this figure through 1982. Active aircraft in the contiguous 48 states represents about 60% of the worldwide U.S. military fleet.

Military jets will hold at about 10,200 and turboprops at about 1,000, while piston-powered aircraft will decline from 3,500 in 1971 to 2,500 in 1978 and level off. Military helicopters will decline to about 5,500 in 1972 and build back to a plateau of some 7,500 by 1974, remaining at this number through 1982.

Domestic airline passenger traffic growth tapered sharply in FY 1970, reflecting the slowdown in national economic growth. Following another year of reduced growth in FY 1971, scheduled revenue passenger miles are expected to increase at a long-term rate of 11% annually for the period 1973–82, down slightly from the 13% annual rate recorded between 1960–1970.

International scheduled passenger traffic will grow at a slightly faster rate than domestic traffic, averaging about 12% annually between 1971 and 1982.

These increases will produce 307.5 billion domestic and 96.5 billion international revenue passenger miles in 1982. Air cargo will continue to grow rapidly, with increases averaging 15% per year over the next decade. This would increase domestic and international freight, express and mail from 5.3 billion ton miles in FY 1971 to nearly 25 billion by 1982.

The complexity of the ATC problem becomes obvious when one considers the forecast demand in light of the widely diverse range or performance characteristics of today's and future aircraft.

Currently there are 27 Air Route Traffic Control Centers from which en route control and services are provided. Of these, 21 are in the continental U.S.; the other six are in Alaska (two), the Canal Zone, Guam, Hawaii and Puerto Rico.

The present en route long-range radar network consists of 91 co-located search radars and radar beacon systems (also known as primary and secondary radars). A total of 85 of these systems are in the conterminous 48 states; six are located in Alaska (two), Guam, Hawaii, Panama and Puerto Rico.

This radar network will be expanded from 85 to 112 systems. Of the present 85, three will be decommissioned, seven will be transferred to the FAA from the Department of Defense, and the FAA will purchase 23 new ARSR–3s for operational use. These 112 systems will provide radar coverage for about 90% of the forecast IFR traffic flying in the conterminous U.S.

Also planned are second systems in both Hawaii and Puerto Rico. One of these will be an ARSR–3; the other will be transferred from the military.

One of the critical problems of air traffic control is that of determining the three-dimensional (latitude, longitude and altitude) position of controlled aircraft. During the 1960s the Air Traffic Control Radar Beacon System (ATCRBS)—known also as secondary surveillance radar—was implemented to improve surveillance capability. It has steadily supplanted radar as the primary system.

The new Discrete Address Beacon System (DABS) will provide a natural vehicle for a digital data link between the ground ATC system and the aircraft within the system. Transition to DABS will be a very gradual process requiring a decade or so.

Automatic data link communications techniques are currently being evaluated in an operational test over the continental U.S. Certain scheduled air carrier aircraft have been equipped with a data link system which will print out ATC clearances, terminal advisories, and other information directly in the cockpit.

Moreover, the airborne data link equipment will automatically construct position reports, plus pilot originated weather reports, and transmit this digital information to the ground.

It is also planned to supplement the present HF communications service in the oceanic areas by providing pre-operational satellite communications service on UHF frequencies. This service, which will be available early in FY 1974 to early 1978, will include both voice and digital data.

Assumed is a cooperative effort between the United States and European interests in which the telecommunications satellites and control stations will be jointly owned and operated, while the individual countries will operate the centers controlling their assigned airspace.

Because the air traffic control tower is the primary facility in the terminal system, its establishment and improvement is a high-priority item. New towers will be funded in a continuing program through 1982. Also planned is the development of a ground control and guidance system to reliably display aircraft and vehicular movement in blind-spot areas and during night and low-visibility conditions.

One procurement program underway will provide for the installation of 65 airport traffic control towers under one "turnkey" contract. These include projects from the FAA's FY 1970, 1971 and 1972 F&E programs. Structures will be manufactured to a standard design and to a uniform standard of quality.

Relative to terminal area automation, the installation of 61 ARTS III systems at selected large and medium hub locations is planned for completion by the early part of calendar year 1973. Three additional systems have already been installed for support and training purposes. No decision has been made as yet regarding upgrading of ARTS II locations to ARTS III.

When all phases of the planned system have been implemented, a mixture of controlled and uncontrolled aircraft will operate below Flight Level 180, except in designated areas. The 250 kt. speed limit will be established below 12,500 while transponders with 4096 codes (Mode 3A) and altitude reporting capability (Mode C) will be required at 12,500 ft. and above, and in designated areas.

Terminal Control Areas with an airspace lid of 12,500 ft. will be established at the higher density locations. At other locations, various levels of radar service together with increasing automation capability will be provided to reduce the risk of mid-air collisions.

In the planning period 1973–82, the base of Area Positive Control (APC) airspace will remain at Flight Level 180 throughout most of the U.S. Over heavily traveled routes the base will be lowered at 10,000 ft. The upper limits of APC will be extended upwards to Flight Level 1,000 to accommodate aircraft of advanced design.

APC will be lowered in the Golden Triangle (a triangle bounded by Boston, Chicago and Atlanta) and West Coast Corridor in the 1975 time frame. The use of a standard altimeter setting, 29.92 HG, will be lowered from the present 18,000 ft. to 12,500 ft.

VORTAC is the basic short-distance navigation aid and will continue to be through 1972–82. Recent development in area navigation avionics, and in procedures for their use, are expected to increase significantly the utility of the VORTAC system.

The FAA now operates 858 en route VORs, at which 695 are co-located with TACAN or DME, and 50 terminal VORs. Of the en route facilities, about 30% are high-altitude VOR/VORTACS. Another 29 VORs are operated by the military, and 44 by state or private owners.

Present plans for expansion of the en route VORTAC system are limited to the installation of new or relocated facilities provided to serve new airports, to facilitate the flow of air traffic in the vicinity of high-density terminal areas, and to establish new airways.

Terminal VORs (TVOR) will be installed to give approach guidance to eligible airports that are not expected to qualify for an ILS and are not near an en route VOR or VORTAC. Distance measuring capability will be provided where it does not exist—the standard DME at en route VORs and a low-power, solid-state version at terminal VORs.

Capital investment amounting to some $109 million will be required for new en route navigation facilities and equipment, and improvements to existing facilities, during the next 10 years. More than one-half of the total, $57.6 million, will be for Doppler and Precision VOR modifications to improve the coverage and accuracy of VOR ground stations.

Other significant expenditures will be for expansion of the VOR/TVOR system ($15.6 million), for the provision of distance measuring capability at VOR/TVORs ($17 million) and for VORTAC system improvements ($16.2 million).

Landing aid facilities expenditures during the next 10 years are estimated at $306.6 million. Of this amount $85.5 million is for conventional ILS systems. By 1978, the 653 runways so equipped will be more than double today's 322 ILS runways and the number of Category II/III runways will increase almost fivefold.

Microwave landing systems, including the interim V/STOL ILS, will account for $150 million or slightly less than one-half of the total. The remaining funds will go for DME at ILS ($4.9 million) and for visual aids—approach lighting ($50.9 million), runway end identification lights ($3.3 million), and visual approach slope indicators ($11.7 million).

PILOT REQUIREMENTS 1972 VERSUS 1982

| Types of airspace | Flight condition | Pilot requirements 1972 | 1972 | | 1982 |
|---|---|---|---|---|---|
| Uncontrolled | VFR (day) | Current pilot certificate: 1. Student 2. Private 3. Commercial 4. ATR | Appropriate rating: 1. Single engine 2. Multi engine 3. Land 4. Sea 5. Instructor 6. Instrument 7. Helicopter 8. Glider | Current medical: 1st, 2d (FAR 61.3) | Same as 1972. |
| Uncontrolled | VFR (night) | Same as VFR (Day) | | | Same as 1972. |
| Uncontrolled | IFR | Same as VFR plus: Pilot certificate: Private or higher with 200 hours. | | Rating: Instrument | Same as 1972. |
| Controlled (nonpositive) | VFR | Same as uncontrolled VFR plus: Pilot certificate: Private or higher. | | | Same as 1972 plus: Annual pilot proficiency check. |
| Controlled (nonpositive) | IFR | Same as uncontrolled IFR plus: FCC radio-telephone rating. | | | Same as 1972 plus: Annual pilot proficiency check. |
| Positive control | VFR | Not authorized | | | Not authorized. |
| | IFR | Same as controlled nonpositive IFR | | | Same as 1972 plus: Annual pilot proficiency check. |

AIRBORNE EQUIPMENT REQUIREMENTS, 1972 VERSUS 1982

| Type of airspace | Flight condition | Airborne flight and navigation equipment requirements 1972 | | 1982 |
|---|---|---|---|---|
| Uncontrolled | VFR (day) | 1. Airspeed 2. Altimeter 3. Compass 4. Tachometer 5. Oil temperature | 6. Manifold pressure 7. Fuel gage 8. Landing gear 9. Belts (FAR 91.33) | Same as 1972. |
| Uncontrolled | VFR (night) | All above plus: 1. Position lights 2. Anti-collision light | 3. Landing light (if for hire) 4. Electrical source | Same as 1972. |
| Uncontrolled | IFR | Same as VFR plus: 1. 2-way radio 2. Navigation system 3. Gyro turn/bank 4. Sensitive altimeter adjustable for barometer pressure | 5. Clock with sweep second hand 6. Artifical horizon 7. Directional gyro or equivalent 8. Generator | Same as 1972. |
| Controlled (nonpositive) | VFR | Same as uncontrolled VFR | | Same as 1972 plus transponder.[1] |
| Controlled (nonpositive) | IFR | Same as uncontrolled IFR | | Same as 1972 plus transponder.[1] |
| Positive control | VFR | Not authorized | | Not authorized. |
| | IFR | Same as uncontrolled IFR plus: 1. DME 2. Transponder | 3. VOIR (in TCAs) | Same as 1972 (see footnote). |

4096 code, Mode 3A transponder with Mode C automatic altitude reporting capability will be required at the 21 high density terminal locations, in APC, and at 12,500 feet or above. All nonparticipating aircraft operating within the terminal radar service area at remaining radar locations that are equipped with ARTS system will also be transponder-equipped with Mode C capability.

ACCRUED LIABILITY TO CIVIL AVIATION FROM USER TAXES BY TAX TYPE—FISCAL YEARS 1972-82

[In millions of dollars]

| Type of tax | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Passenger ticket tax, 8 percent | 553.5 | 613.1 | 688.8 | 770.0 | 858.8 | 955.9 | 1,061.0 | 1,175.9 | 1,301.6 | 1,437.9 | 1,586.1 |
| Waybill tax, 5 percent | 30.7 | 33.8 | 37.9 | 42.4 | 48.8 | 56.1 | 64.0 | 73.5 | 83.1 | 93.9 | 106.1 |
| Fuel tax, 7 cents a gallon | 45.8 | 48.2 | 49.1 | 52.1 | 54.4 | 58.6 | 62.0 | 65.7 | 71.2 | 74.9 | 79.7 |
| International passenger tax, $3.00 | 41.5 | 45.9 | 51.1 | 56.8 | 63.0 | 69.8 | 77.2 | 85.3 | 94.1 | 103.7 | 114.1 |
| Aircraft use tax | 18.6 | 19.4 | 20.2 | 21.2 | 22.1 | 23.5 | 24.8 | 26.2 | 27.6 | 29.0 | 30.8 |
| Taxes on a/c tires and tubes | 3.2 | 3.3 | 3.5 | 3.8 | 4.1 | 4.4 | 4.7 | 5.0 | 5.3 | 5.6 | 5.9 |
| Total | 693.3 | 763.7 | 850.6 | 946.3 | 1,051.2 | 1,168.3 | 1,293.7 | 1,431.6 | 1,582.9 | 1,745.0 | 1,922.7 |
| Air carrier | 633.7 | 700.1 | 784.4 | 875.5 | 976.3 | 1,087.0 | 1,206.7 | 1,338.4 | 1,481.4 | 1,636.7 | 1,805.9 |
| General aviation | 59.6 | 63.6 | 66.2 | 70.8 | 74.9 | 81.3 | 87.0 | 93.2 | 101.5 | 108.3 | 116.8 |
| Cumulative total | 693.3 | 1,457.0 | 2,307.6 | 3,253.9 | 4,305.1 | 5,473.4 | 6,767.1 | 8,198.7 | 9,781.6 | 11,526.6 | 13,449.3 |
| Air carrier | 633.7 | 1,333.8 | 2,118.2 | 2,993.7 | 3,970.0 | 5,057.0 | 6,263.7 | 7,602.1 | 9,083.5 | 10,720.2 | 12,526.1 |
| General aviation | 59.6 | 123.2 | 189.4 | 260.2 | 335.1 | 416.4 | 503.4 | 596.6 | 698.1 | 806.4 | 923.2 |

TOTAL AIRCRAFT IN THE SERVICE OF U.S. AIR CARRIERS (AS OF JANUARY 1)

| Aircraft type | Reported 1950 | 1955 | 1960 | 1965 | Forecast 1971 | 1972 | 1976 | 1982 |
|---|---|---|---|---|---|---|---|---|
| Total aircraft | 960 | 1,446 | 1,850 | 2,125 | 2,679 | 2,600 | 2,680 | 3,310 |
| Fixed-wing aircraft | 949 | 1,426 | 1,827 | 2,104 | 2,663 | 2,583 | 2,659 | 3,285 |
| Jet | | | 84 | 725 | 2,136 | 2,107 | 2,340 | 3,110 |
| 2- and 3-engine | | | | 214 | 1,205 | 1,224 | 1,546 | 2,420 |
| 4-engine | | | 84 | 511 | 931 | 883 | 758 | 625 |
| SST | | | | | | | 36 | 65 |

Footnote at end of table.

| Aircraft type | Reported 1950 | 1955 | 1960 | 1965 | Forecast 1971 | 1972 | 1976 | 1982 |
|---|---|---|---|---|---|---|---|---|
| Fixed-wing aircraft—Continued | | | | | | | | |
| Turboprop | | | 213 | 312 | 374 | 345 | 248 | 130 |
| 1- and 2-engine | | | 35 | 97 | 264 | 263 | 211 | 115 |
| 4-engine | | | 178 | 215 | 110 | 82 | 37 | 15 |
| Piston | 949 | 1,426 | 1,530 | 1,067 | 153 | 131 | 71 | 45 |
| 1- and 2-engine | 589 | 773 | 661 | 620 | 119 | 107 | 63 | 45 |
| 4-engine | 360 | 653 | 869 | 447 | +34 | 24 | 8 | |
| Helicopter | 11 | 20 | 23 | 21 | 16 | 17 | 21 | 25 |
| Piston engine | 11 | 20 | 23 | 6 | 3 | 3 | | |
| Turbine engine | | | | 15 | 13 | 14 | 21 | |

Note: Included here are all passenger and cargo aircraft owned or leased by, and in the domestic or international service of the United States certificated route, supplemental, intrastate and commercial air carriers. Aircraft used for training and aircraft that have been withdrawn from service and are awaiting disposal are not included here. (Aircraft in the service of air taxi operators are shown in the general aviation aircraft fleet.)

TRENDS IN FACILITIES

| Facility | 1950 | 1955 | 1960 | 1965 | 1970[1] | 1982[2] |
|---|---|---|---|---|---|---|
| L/MF ranges | 378 | 344 | 305 | 48 | 27 | 0 |
| VOR/VORTAC | 371 | 424 | 725 | 867 | 900 | 1,038 |
| NDB | 141 | 175 | 190 | 286 | 281 | 307 |
| Air traffic control centers | 31 | 31 | 35 | 28 | 27 | 25 |
| Airport towers | 172 | 100 | 153 | 226 | 288 | 489 |
| Combined station/towers[3] | | 75 | 75 | 66 | 46 | 0 |
| Flight service stations | 451 | 364 | 335 | 331 | 332 | 887 |
| International flight service stations | 15 | 11 | 11 | 12 | 8 | 8 |
| Instrument landing systems | 96 | 157 | 191 | 257 | 306 | 1,255 |
| Precision approach radar | 7 | 10 | 18 | 30 | 0 | 0 |
| Airport surveillance radar | 7 | 31 | 52 | 77 | 120 | 268 |
| Air route surveillance radar | | | 35 | 84 | 90 | 120 |
| Airports | 6,403 | 6,839 | 6,881 | 9,566 | 11,195 | 12,700 |

[1] Excludes military and/or non-Federal facilities.
[2] Forecast.
[3] CSTs should be considered as additive to either FSSs or towers.

ACTIVE GENERAL AVIATION AIRCRAFT BY TYPE

| Aircraft type | Reported 1950 | 1955 | 1960 | 1965 | Forecast 1971 | 1972 | 1976 | 1982 |
|---|---|---|---|---|---|---|---|---|
| Total aircraft | 55,500 | 60,432 | 78,760 | 95,442 | 131,407 | 135,000 | 154,000 | 203,000 |
| Fixed-wing aircraft | | | 77,730 | 93,130 | 127,609 | 130,800 | 148,400 | 194,800 |
| Turbine | | | 546 | 574 | 2,401 | 2,500 | 3,600 | 7,300 |
| Piston | | | 77,184 | 92,556 | 125,208 | 128,300 | 144,800 | 187,500 |
| Rotorcraft | | | 659 | 1,503 | 2,247 | 2,600 | 3,500 | 5,200 |
| Other | | | 371 | 809 | 1,551 | 1,600 | 2,100 | 3,000 |

Note: General Aviation fleet as of January 1, 1971 reflects a new definition of active aircraft. "Must be registered as of the specified date and must have reported hours flown during the previous calendar year."

LANDING AIDS F. & E. UNIT AND COST SUMMARY—FISCAL YEARS 1973-82

[Cost in thousands of dollars]

| Item | 1973 Units | 1973 Cost | 1974 Units | 1974 Cost | 1975 Units | 1975 Cost | 1976 Units | 1976 Cost | 1977 Units | 1977 Cost | 1978-82 Units | 1978-82 Cost | 1973-82 Units | 1973-82 Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Instrument landing system | | 20,539 | | 17,880 | | 20,411 | | 22,055 | | 20,540 | | 139,231 | | 240,656 |
| Category I ILS | | 7,421 | | 10,234 | | 9,120 | | 13,250 | | 3,124 | | 12,063 | | 55,302 |
| Establish ILS and approach lights[1] | 10 | 3,518 | 24 | [1]6,732 | 20 | [1]1,500 | 33 | [1]9,257 | | | | | 87 | [1]25,117 |
| Establish localizer with DME | 1 | 369 | | | | | | | | | | | 1 | 369 |
| Relocate from category II runway | | | 17 | 1,700 | 19 | 1,900 | 15 | 1,500 | 15 | 1,500 | | | 66 | 6,600 |
| Establish RVR | 8 | 427 | | | | | | | | | | | 8 | 427 |
| Establish COMLO | 23 | 527 | | | | | | | | | | | 23 | 527 |
| Improve ILS category I | | 2,580 | | 1,892 | | 1,610 | | 2,493 | | 1,624 | | 12,063 | | 22,262 |
| Improve ILS to category II standards | 16 | 6,095 | 12 | 3,600 | 15 | 4,500 | 15 | 4,500 | | | | | 58 | 18,695 |
| Add glide slope and marker to localizer | 6 | 596 | 1 | 99 | 1 | 99 | 1 | 99 | | | | | 9 | 893 |
| Establish DME at localizer | | | 40 | 1,800 | 60 | 2,700 | | | | | | | 100 | 4,500 |
| Provide category IIIA all weather landing system | 2 | 1,121 | 2 | 1,121 | 6 | 3,369 | | | | | | | 10 | 5,611 |
| Provide category III all weather capability (E. & D.) | | 4,691 | | | | | | | | | | | | 4,691 |
| Provide ILS sustaining engineering (E. & D.) | | 615 | | | | | | | | | | | | 615 |
| Provide V/STOL approach and landing system | | | 6 | 936 | 4 | 628 | 5 | 778 | 10 | 1,556 | 50 | 7,782 | 75 | 11,675 |
| Establish microwave landing system | | | | | | | 15 | 3,428 | 65 | 15,860 | 523 | 119,386 | 603 | 138,674 |
| Category I | | | | | | | 10 | 1,280 | 40 | 5,120 | 300 | 38,400 | 350 | 44,800 |
| Category II | | | | | | | 3 | 978 | 15 | 4,890 | 191 | 62,266 | 209 | 68,134 |
| Category III | | | | | | | 2 | 1,170 | 10 | 5,850 | 32 | 18,720 | 44 | 25,740 |

LANDING AIDS F. & E. UNIT AND COST SUMMARY—FISCAL YEARS 1973–82.—Continued

| Item | 1973 | | 1974 | | 1975 | | 1976 | | 1977 | | 1978–82 | | 1973–82 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Units | Cost | Units | Cost | Units | Cost | Units | Cost | Units | Cost | Units | Cost | Units | Cost |
| Visual aids | | 2,024 | | 4,661 | | 4,245 | | 5,278 | | 6,093 | | 43,617 | | 65,918 |
| Establish VASI | 35 | 913 | 44 | 1,164 | 44 | 1,164 | 44 | 1,164 | 44 | 1,164 | 228 | 6,085 | 439 | 11,654 |
| Establish REIL | 17 | 215 | 26 | 287 | 26 | 287 | 26 | 287 | 26 | 287 | 176 | 1,945 | 297 | 3,308 |
| Establish LDIN | 2 | 185 | 3 | 180 | 3 | 180 | 3 | 180 | 3 | 180 | 15 | 900 | 29 | 1,805 |
| Approach lighting | | 711 | | 3,030 | | 2,614 | | 3,647 | | 4,462 | | 34,687 | | 49,151 |
| MALS | | | 5 | 222 | 5 | 222 | 5 | 222 | 5 | 222 | 57 | 2,537 | 77 | 3,425 |
| MALS/RAIL | | | 24 | 1,800 | 20 | 1,500 | 33 | 2,475 | 40 | 3,000 | 250 | 18,250 | 367 | 27,025 |
| Modernize ALS | | 62 | | | | | | | | | | | | 62 |
| Establish ALSF | | | 3 | 660 | 3 | 660 | 3 | 660 | 3 | 660 | 50 | 11,000 | 62 | 13,640 |
| V/STOL approach lighting | | | 6 | 348 | 4 | 232 | 5 | 290 | 10 | 580 | 50 | 2,900 | 75 | 4,350 |
| Visual aid improvements (E. & D.) | | 649 | | | | | | | | | | | | 649 |
| Total landing aids | | 22,563 | | 22,541 | | 24,656 | | 27,333 | | 26,633 | | 182,848 | | 306,574 |

EN ROUTE NAVIGATION AIDS F. & E. UNIT AND COST SUMMARY

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Short distance navigation aids | | 2,548 | | 9,360 | | 9,620 | | 12,550 | | 11,850 | | 61,500 | | 107,428 |
| Establish/Relocate Convert VOR | | 914 | | 8,164 | | 8,336 | | 11,509 | | 10,905 | | 51,860 | | 91,688 |
| Establish TVOR | 2 | 255 | 1 | 132 | 15 | 1,976 | 15 | 1,976 | | | 45 | 5,929 | 79 | 10,268 |
| Provide DME at TVOR | | | 24 | 1,080 | | | 30 | 1,350 | 20 | 900 | 58 | 2,610 | 132 | 5,940 |
| Establish VOR | | | 3 | 1,307 | 5 | 715 | 5 | 715 | 5 | 715 | 20 | 2,860 | 38 | 6,312 |
| Provide DME at VOR | | | 20 | 2,000 | 20 | 2,000 | 20 | 2,000 | 20 | 2,000 | 31 | 3,100 | 111 | 11,100 |
| Relocate VOR/VORTAC | 2 | 477 | | | | | | | | | | | 2 | 477 |
| Convert VOR to DVOR | 1 | 182 | | | | | | | | | | | 1 | 182 |
| Convert VOR to PVOR | | | 20 | 3,645 | 20 | 3,645 | 30 | 5,468 | 40 | 7,290 | 205 | 37,361 | 315 | 57,409 |
| Improve VOR | | 1,634 | | 1,196 | | 1,284 | | 1,041 | | 945 | | 9,640 | | 15,740 |
| Replace obsolete VOR transmitters | 29 | 103 | | | | | | | | | | | 29 | 103 |
| Implement 50 kHz spacing | | 221 | | | | | | | | | | | | 221 |
| Provide mobile: | | | | | | | | | | | | | | |
| VOR | | | 2 | 280 | 2 | 280 | 1 | 140 | | | | | 5 | 700 |
| DME | | | 2 | 220 | 2 | 220 | 1 | 110 | | | | | 5 | 550 |
| Other VORTAC improovements | | | | 696 | | 784 | | 791 | | 945 | | 9,640 | | 12,856 |
| Engineering support (E. & D.) | | 1,310 | | | | | | | | | | | | 1,310 |
| Low and medium frequency facilities | | 119 | | 300 | | 300 | | 300 | | 250 | | 500 | | 1,769 |
| Replace tube-type monitors | 74 | 89 | | | | | | | | | | | 74 | 89 |
| Relocate Jackson, Miss. "H" | 1 | 30 | | | | | | | | | | | 1 | 30 |
| Other | | | | 300 | | 300 | | 300 | | 250 | | 500 | | 1,650 |
| Long distance air navigation aids | | | | | | | | | | | | | | |
| Total | | 2,667 | | 9,660 | | 9,920 | | 12,850 | | 12,100 | | 62,000 | | 109,197 |

1 Excludes approach lights in fiscal year 1974–76.

### AIRPORTS—THE NEXT 10 YEARS

The latest annual edition of the National Aviation System Plan released by the FAA reflects an increase of almost 800 U.S. civil airports since last year's report—a 7.2% rise to a new total of 11,989. As of December 1, 1971, 10,598 are classified as airports, 931 as heliports and 460 as seaplane bases.

Of the 11,989 total, 3,240 airports are included in the National Airport System (a rise of only two since last year) which includes only those considered necessary to meet the national need of civil airports. As such, they are eligible for federal development aid.

The FAA foresees a need for 1,410 additional airports through 1982 which would include 112 for combined air carrier and general aviation operations and 1,298 for the exclusive use of general aviation operations. By 1982 the National Airport System is expected to rise nearly 4.5% to 4,650 allowing for intrasystem changes (abandonment and conversions).

To accomplish these changes, a funding requirement (including both ADAP and sponsor funds) of $6.4 billion is envisioned to meet the requirements of the next 10 years (1973–82).

Under the Airport and Airway Development Act, $2.5 billion is available from the federal coffers over the 1971–1980 time period for the Airport Development Program (ADAP) and airport planning grants. Although the Act expires on June 30, 1980, follow-on legislation is expected by the FAA which would provide continued ADAP funding at or near $250 million yearly and planning grants of $15 million a year after the $75 million original total allocation for that program is expended.

Presently, fund matching between federal and local agencies is on a 50–50 basis. Aviation Subcommittee hearings scheduled to be in progress at the time of publication are expected to include an airing of the Cook amendment to the Airport/Airways Act. This would increase the federal share of matching funds to 75%.

While no immediate action is expected, it is contemplated that such legislation, if passed, would be retroactive to allow the increased benefits to accrue to airport sponsors who might otherwise hold up needed improvements while waiting for the lower funding requirement.

Distribution of airport development assistance over the 1973–82 period compares within one or two percentage points of the previous 1972–81 figures. The breakdown is:

52% for primary airports, 28% for secondary and the remaining 20% for feeder airports.

52% for new airports, 48% for improving existing ones.

44% for the construction of new primary and secondary airports, the major portion of which (34%) would fund 12 new primary airports.

As with most prognostications, the aviation system plan is subject to many contingencies, which are recognized by the FAA as potential problem areas.

The environmental effects of airport upgrading and building as evidenced by noise, various pollutants, compatible lands use and airport access facilities are causing such a public furor that, unless solutions can be found, many needed airport development and building projects may be stymied. Especially constraining are the environmental blocks to V/STOLports and heliports due to their closer proximity to densely populated areas.

The frustrating effect of jurisdictional problems is considered the most critical constraint to the development of an overall balanced system of airports to serve major metropolitan cities and relieve congestion. The need here is for adequately empowered multi-jurisdictional bodies to decide upon types of airports and their locations in the best interests of the entire metropolitan areas they are intended to serve.

Money—in the form of local investment to match federal fund grants—is another impediment to quick action. The Grant-in-Aid Program requires a 50% local participation in project costs, but many communities which need better airport facilities and have a definite place in the system may not have the resources available to match the federal portion. The 75–25 ratio proposed by the Cook amendment is one attempt to alleviate this problem.

Still an unknown regarding its impact on ADAP is the Uniform Relocation Assistance Act. Prior to July 1, 1972, 100% of all relocation costs incurred by the local sponsors can be paid from ADAP funds, but afterward they will be eligible for federal funding at the same matching percentage as airport development work in the state.

The airport system planning effort of the FAA involves preparation of the National Airport System and provision of advisory services for its development. Implementation has begun of an expanded planning program.

Among other aspects, the National Airport System Plan (NASP) differs from its predecessor National Airport Plan in the following areas:

The time span is being expanded from the previously envisioned five to 10 years to ultimately encompass 20 years.

Prior to consideration for development recommendations, an airport will be examined in relation to its *total* needs (airfield area landing aids, terminal building area and airport access).

Functional role and priority in the system

will identify long-range requirements for the total airport and for setting of development priorities.

Decision-making procedures will employ greater use of systems analysis techniques beginning with the FY 1972 plan. Initially manual, the system is expected to be largely automated by 1981.

Greater participation is being invited from the aviation industry and user community during the planning process to allow basic airport development decisions to respond to the social and economic objectives of the community it serves.

As part of its planning efforts, the FAA prepares and issues planning materials and information for the guidance of airport management and community planners. Advice and guidance is offered on such aspects as: location criteria for airports to serve multiple geographic areas; layout planning for minimum noise exposure; guidance for implementing the planning grant program (latest is Advisory Circular 150/5070-6 on developing airport master plans) and participation in urban transportation planning.

Standardization of airport design criteria and safety are two aspects of the overall airport system that go hand-in-hand and are emphasized by the FAA. It will study and offer guidance in over 20 specific areas, among them:

Studies to keep abreast of developments and requirements of V/STOL aircraft.

Development of a single design criteria publication for air carrier airports.

Guidance on parallel runway separation at air carrier airports.

Design and developmental guidance for seaplane bases.

Correlation of airport design criteria with environmental considerations.

Requirements for airports served exclusively by air cargo carriers.

The next step further is FAA's concern with airport construction standards. These relate to airfield surfaces and visual aids.

One evaluation has been completed on the effects of high strut loads and multi-wheel landing gear on pavements, which will result in a pavement design criteria for locations frequented by the heavier aircraft. Also in the area of pavements is a study of flotation economics (wheels vs. pavement thickness), pavement dynamics under moving loads, and other design considerations aimed at development of a pavement science planners can use for present and future heavy aircraft. Pavement surface treatments and texturing will be examined to evaluate anti-skid properties.

Criteria have been developed and published for better and more economical Cat I and Cat II taxiway lighting and an integrated lighting system is under development for the attainment of Cat II operational capability.

Criteria will be developed for low-cost VASI, REIL, airport beacons and approach lighting systems for use under VFR conditions. With criteria already developed for VFR visual guidance for heliports, a new program aims at development of an integrated IFR visual aid system including lighting and marking. Heliport and STOL-port visual aids are being evaluated at the FAA's NAFEC R&D center (*Airport World*, March 1972).

Airport operations and maintenance criteria are part of a continuing program aimed at improving operating safety at airports. Prevention and removal of snow, ice and slush, firefighting equipment and techniques, reduction of the bird population in the vicinity of airports, facility maintenance, aircraft arrestment and acceleration (including arresting devices for elevated STOLports) and control or modification of terminal area weather.

The final rule is being developed on airport certification (FAR Part 139) which will be implemented May 21, 1973. Advisory circulars have been developed on fire and rescue service, emergency plan, airport safety self-inspection and the airport operations manual.

What used to be called Research and Development is now Engineering and Development (think E&D instead of R&D). Twenty-one major E&D programs are each subdivided into program elements and further broken down into subprograms.

Among specific studies has been a contract awarded to study the feasibility of a close-in, offshore airport for the New York metropolitan area and to compare its merits with conventional installations.

In the doing-something-about-the-weather department is a subprogram which will eventually develop and test prototype fog dispersal systems and techniques in such a way as to best balance out improved visibility, aviation benefits and environmental impact.

Grouped under one subprogram is development of fire-fighting equipment/techniques to ensure crew and passenger survival after crash landings, removal and control of winter's snow/ice/slush hazard and utilization impediment, and emergency runway arresting systems.

New criteria for pavement design and construction are expected to result in more economical and durable surfaces that are expected to result in significant cost savings.

Modern analytical techniques will be used to measure and predict airport capacity increases which can be expected from new airport facilities.

The airside aspects of terminal ground traffic is the subject of a subprogram to develop new designs, procedures and actual hardware to improve traffic flow at new and existing airports. Included will be dual-lane techniques, high-speed exists and entrances, aircraft transporters and systems to dissipate aircraft wake turbulence.

Use of traffic-sensing devices will be investigated to aid ground controllers in those instances where surface aircraft traffic is obscured from the tower. Related to this is development of ground control and guidance systems which can increase airport traffic handling capability, minimize traffic delays and complete all-weather ILS CAT III capability. Tests will be conducted at NAFEC.

The concept of elevated STOLports in compatible real estate locations (over highways, railroads, etc.) will get a share of attention with the development of one or more sites for research and operational tests.

Landside terminal area design studies will cover problems associated with the development and operational areas of high density metropolitan airports. Terminal building space, baggage, mail and cargo handling, land acquisition, zoning, access/egress, ground receivers and concessions will be included.

The intermodal aspects of the interface of the airport landside with other transportation systems is a subject which the FAA presently is planning to recommend to DOT for primary leadership.

The final specific E&D subprogram is in the area of accident prevention, which will attempt to develop means for improving and measuring runway surface traction.

AERONAUTICAL ACTIVITY LEVELS FOR FUNCTIONAL ROLE AIRPORT CLASSIFICATION SYSTEM

| Airport category | Public service level (annual enpl. pass.) | Aeronautical operational density (annual arcft. ops.) |
|---|---|---|
| Primary system | More than 1,000,000 | |
| High density | | More than 350,000. |
| Medium density | | 250,000 to 350,000. |
| Low density | | Less than 250,000. |
| Secondary system | 50,000 to 1,000,000 | |
| High density | | More than 250,000. |
| Medium density | | 100,000 to 250,000. |
| Low density | | Less than 100,000. |
| Feeder system | Less than 50,000 | |
| High density | | More than 100,000. |
| Medium density | | 20,000 to 100,000. |
| Low density | | Less than 20,000. |

NATIONAL AIRPORT SYSTEM COMPOSITION AND REQUIREMENTS 1973-82

| System classification | Projected system adjustments: System additions [1] | Projected system adjustments: Intra-system changes | Projected 1982 national systems |
|---|---|---|---|
| Primary system: | | | |
| High density | 8 | +30 | 50 |
| Medium density | 3 | +13 | 30 |
| Low density | 1 | −4 | 25 |
| Total | 12 | +39 | 105 |
| Secondary system: | | | |
| High density | 15 | +207 | 253 |
| Medium density | 80 | −15 | 250 |
| Low density | 80 | +88 | 342 |
| Total | 175 | +280 | 845 |
| Feeder system: | | | |
| High density | 127 | +5 | 193 |
| Medium density | 463 | +448 | 1,706 |
| Low density | 633 | −773 | 1,800 |
| total | 1,223 | −320 | 3,699 |
| National system Total | 1,410 | −1 | 4,649 |

[1] Includes new airport construction requirements and additional privately and publicly owned airports to be included within the national system over the 10-year period.

NATIONAL AIRPORT SYSTEM DEVELOPMENT NEEDS 1973-82: AIRFIELD AREA ONLY

[In millions of dollars]

| System classification [1] | Improvements to existing airports: 1973-77 | Improvements to existing airports: 1978-82 | New airport development: 1973-77 | New airport development: 1978-82 | Projected total development needs, 1973-82 |
|---|---|---|---|---|---|
| Primary system: | | | | | |
| High density | $360 | $24 | $463 | $1,080 | $1,927 |
| Medium density | 270 | 38 | 100 | 380 | 788 |
| Low density | 420 | 56 | 30 | 132 | 638 |
| Total | 1,050 | 118 | 593 | 1,592 | 3,353 |
| Secondary system: | | | | | |
| High density | 43 | 10 | 46 | 147 | 246 |
| Medium density | 516 | 113 | 146 | 94 | 869 |
| Low density | 292 | 160 | 137 | 103 | 692 |
| Total | $851 | $283 | $329 | $344 | $1,807 |
| Feeder system: | | | | | |
| High density | 56 | 29 | 73 | 48 | 206 |
| Medium density | 254 | 48 | 109 | 110 | 521 |
| Low density | 345 | 43 | 71 | 45 | 504 |
| Total | 655 | 120 | 253 | 203 | 1,231 |
| System total | 2,556 | 521 | 1,175 | 2,139 | 6,341 |

[1] Airport classifications are based on the combined functions of public service and aeronautical operational density. The classification system is discussed in detail in Chapter 10 of the National Aviation System Policy Summary.

ENGINEERING AND DEVELOPMENT FOR AIRPORTS—FISCAL YEARS 1973–82

[Cost in thousands of dollars]

| Program, element, and subprogram | 1973 | 1974 | 1975 | 1976 | 1977 | 1978–82 | 1973–82 |
|---|---|---|---|---|---|---|---|
| 01 System: | | | | | | | |
| 012 Specific Studies | 341 | 400 | 400 | 400 | 400 | 2,000 | 3,941 |
| 012–608 Guidelines for National, Regional and Metropolitan Airport System Planning. | | | | | | | |
| 08 Runways/Taxiways: | | | | | | | |
| 081 Safety Support | 1,789 | 2,000 | 2,000 | 2,000 | 2,500 | 7,500 | 17,789 |
| 081–261 Fog Dispersal and Prevention. | | | | | | | |
| 081–731 Airport Safety Support System. | | | | | | | |
| 082 Design/Layout/Construction | 1,851 | 1,500 | 1,000 | 700 | 300 | 1,500 | 6,851 |
| 082–120 Airport Design and Surfaces. | | | | | | | |
| 082–121 Airport Capacity Determination and Airside Configuration, Design. | | | | | | | |
| 082–122 Advanced Airfield Facility Designs. | | | | | | | |
| 083 Ground Surveillance and Guidance | 2,309 | 1,500 | 1,500 | 1,200 | 500 | 1,000 | 8,009 |
| 083–123 Airport Blind Spot Ground Surveillance for Problems Situation. | | | | | | | |
| 083–601 Airport Ground Control and Guidance. | | | | | | | |
| 084 STOLport Design | 400 | 200 | 100 | 100 | 100 | 500 | 1,400 |
| 084–790 STOLport Design and Testing. | | | | | | | |
| 09 Landslide: | | | | | | | |
| 091 Terminal/Cargo/Passenger | 55 | 700 | 1,400 | 1,200 | 1,200 | 1,700 | 6,255 |
| 091–601 Landslide Terminal Area Design Studies. | | | | | | | |
| 092 Access/Egress | 0 | 700 | 1,400 | 1,200 | 1,200 | 1,700 | 6,200 |
| 18 Aircraft Safety: | | | | | | | |
| 183 Accident Prevention | 138 | 150 | 150 | 150 | 150 | 750 | 1,488 |
| 183–731 Runway Surface Traction. | | | | | | | |
| Totals | 6,883 | 7,150 | 7,950 | 6,950 | 6,350 | 16,650 | 51,933 |

DISTRIBUTION OF AIRPORT DEVELOPMENT ASSISTANCE (ADAP)

[In percent]

| Purpose | 5-year period, 1973–77 | 5-year period, 1978–82 | 10-year period, 1973–82 |
|---|---|---|---|
| A. Development of existing airports in— | | | |
| Primary system | 28.1 | 4.4 | 18.3 |
| Secondary system | 22.8 | 10.6 | 17.8 |
| Feeder system | 17.6 | 4.5 | 12.1 |
| Subtotal | 68.5 | 19.5 | 48.2 |
| B. Establishment of new airports in— | | | |
| Primary system | 15.9 | 60.0 | 34.2 |
| Secondary system | 8.8 | 12.9 | 10.5 |
| Feeder system | 6.8 | 7.6 | 7.1 |
| Subtotal | 31.5 | 80.5 | 51.8 |
| Total | 100.0 | 100.0 | 100.0 |
| C. Estimated level of assistance (billions) | $1.40 | $1.15 | $2.55 |

SUMMARY OF FEDERAL FUNDING FOR AIRPORT DEVELOPMENT PROGRAM, 1973–82

[In millions of dollars]

| Program | 1973 | 1974 | 1975 | 1976 | 1977 | 1978–82 | 1973–82 |
|---|---|---|---|---|---|---|---|
| ADAP | 280 | 280 | 280 | 280 | 280 | 1,150 | 2,550 |
| Planning grants | 15 | 15 | 15 | 15 | 15 | 75 | 150 |
| Total | 295 | 295 | 295 | 295 | 295 | 1,225 | 2,700 |

## LET THE HANDICAPPED IN OUR BUILDINGS

Mr. DOLE. Mr. President, during the past decade, the pressures to create a more livable environment have mounted as Americans demand improvements in the Nation's quality of life. Foul air, spoiled rivers, dying lakes, and squalid slums are all well-known targets of environmental action, but a vital part of the effort to improve the environment must also take into account the special needs of the physically handicapped and the elderly in our population, particularly in the design and construction of new buildings.

The American Institute of Architects reports that more buildings will be built in the United States between now and the year 2000 than were built here in the nearly five centuries since Columbus discovered America, and due to medical and rehabilitation advances, the number of crippled children, disabled adults, and old people in the active population is steadily increasing, and fewer of them are housebound.

In the years to come, there will be more handicapped people, and they, with the rest of the population, will need more buildings and parks and transportation facilities. Therefore, now is the time to plan, to design, and to control the construction of buildings, recreational areas, and equipment that will serve not just part, but all, of our citizens.

With such a clear need for priority attention to providing a barrier-free environment, one might think that all architects, engineers, planners, and financiers would automatically provide for the needs of the physically disabled, but in too many instances such is not the case. A continuing effort must be made to educate old and new architects and engineers to the necessity of design with the needs of all Americans in mind—the disabled as well as the able bodied. Simple items which are included in the design of a structure can be tremendously important to the handicapped. Such things as ground-level entrances, elevators, doors wide enough to permit entry of wheelchairs and people on crutches, toilets that can be used with privacy; lowered water fountains and phones can be the difference between full utilization or cruel deprivation for use by many individuals. An article by Harold Katz which appeared in the May issue of Today's Health describes the problem faced by the handicapped who seek full accessability to public and private structures in America. I ask unanimous consent that the article, "Let the Handicapped in Our Buildings," be printed in the RECORD.

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

LET THE HANDICAPPED IN OUR BUILDINGS

(By Harold A. Katz)

Picture yourself an invalid in a wheelchair. Suddenly, you feel ill. You know help is as close as the nearest public telephone, perhaps only 20 feet away. But you can't maneuver your wheelchair into the phone booth! Even if you could, the coin box is too high.

Or imagine a wounded Vietnam veteran. He has spent months undergoing treatment so that he can return to a socially useful life.

The veteran wants to enroll in a business school to learn computer technology. He knows this is a field in which people are urgently needed. But there's a problem. The school of his choice is inaccessible because he is disabled. He cannot wheel himself up the steps of the building. But even if he somehow managed the steps, he couldn't get through the revolving doors at the entrance.

Every day architectural barriers restrict the full usefulness of 25 million partially or totally disabled individuals. As a result, this country is squandering untold resources of human potential. Consider these statistics. of human potential. Consider these statistics:

More than two million workers suffer disabling injuries every year.

More than two million youths are orthopedically handicapped.

One of every 10 persons in the United States has a temporary or permanent disability. If we include the infirmities of old age along with diseases or handicapping conditions that can occur at any time—heart conditions, emphysema, arthritis, impaired sight or hearing—about 16 million people are limited in their ability to carry out such normal activities as working, keeping house or going to school.

There are five million Americans with cardiac conditions, most would benefit from the elimination of architectural barriers.

More than half a billion dollars is spent annually on the vocational rehabilitation of the disabled. According to Dr. Howard A. Rusk, director of rehabilitation medicine at the New York University Medical Center, every dollar spent on rehabilitation could bring eight dollars back in taxes alone.

What is an architectural barrier? It is anything that prevents free access to, or use of, a building by a person in a wheelchair or on crutches, or who is using some artificial means of support. A revolving door is such a

barrier; so is a regular door or a set of double doors if the maximum width is less than 32 inches. A narrow flight of steps, or even a wide flight with steep risers, can be a barrier; so can an auto parking stall with too little room for a disabled person to maneuver.

A drinking fountain located too high is an architectural barrier; similarly a toilet cubicle or the toilet fixture itself can be a barrier to the person in a wheelchair. Other simple and seemingly harmless items can be serious barriers: elevator controls and light switches that are thoughtlessly placed out of reach; automatic elevator doors that close in less than seven seconds; wall-mounted telephones; slippery or uneven floor surfaces; lack of handrails; inadequate lighting.

Other barriers affect persons who have more specific disabilities. Warning bells or sirens are useless to the deaf. Yet the simple solution is the addition of a flashing light. Also in this category are warning signs that cannot be read by the partially-sighted or blind. However, the person with impaired vision can easily be warned by raised numerals and letters he can feel, doornobs that have irregular surfaces to denote danger, and auditory signals such as a musical tone to indicate the opening or closing of an elevator door.

At every turn the physically handicapped are frustrated in the activities that most of us take for granted—going to church, school, the theater, the library, a sporting event, a restaurant or motel—even voting.

"The millions who encounter these barriers are more than statistics," says Carl A. Morring, Jr., a former president of the National Easter Seal Society for Crippled Children and Adults. "They are people like you and me, striving for a better life. They are a child with cerebral palsy, a young wage earner with multiple sclerosis, a boy crippled in an automobile accident, a housewife with muscular dystrophy. . . . They are the countless citizens over 65 who are affected by the chronic disabilities that accompany old age."

How frustrating to prepare the physically handicapped for productive lives and then unwittingly deny them entrance to the buildings in which they might find work! Consider the talents and enthusiasm wasted if we cannot help the two million young people with orthopedic handicaps. If these otherwise able young people are to become self-reliant, contributing members of society, they need schools where they can maneuver freely.

If architectural barriers were to be eliminated from schools alone, it would not only promote better education—studies show that separate schools stifle learning—but it would also eliminate the tax burden of building special schools for the handicapped.

Nor is the opportunity lacking. According to architect Robert Diamant, co-designer of Chicago's John Hancock Center, more buildings will be erected in this country between now and the year 2000 than were built here in the nearly five centuries after Columbus discovered America.

It is not "by design or intent that buildings are constructed so as to be inaccessible," says Hayward McDonald, member of the National Commission of Architectural Barriers. It is, he says, "primarily a matter of oversight. If the architects and builders get accustomed to building federal and other structures according to minimum standards for the handicapped, and discover that they can do this without undue cost, or at the expense of beauty of design or loss of primary function, we shall have met the enemy and defeated him. . . ."

Architectural barriers not only interfere with a disabled individual's access, points out Dr. Henry Betts of the Rehabilitation Institute of Chicago, "they interfere—more seriously—with the *quality* of life he can make for himself. Since persons suffering from physical handicaps are more confined indoors . . . the disabled are more than usually circumscribed in their social lives . . . The removal of architectural barriers would overcome senseless limitations to a more stimulating existence for the very individuals who need it most."

Yet progress has been meager and erratic. The first major advance was the establishment by the American Standards Association of basic guidelines.

These standards, though excellent, did not carry the force of law; they could be ignored with impunity by architects, contractors and owners. And many states which did pass legislation made adherence merely a matter of discretion.

It must be emphasized, too, that it is not enough to have legislation covering only public buildings built with tax funds. Most job opportunities in this country occur in private businesses in *privately-owned* buildings.

Illinois does have a law with teeth. It requires all new buildings for public use (including those privately built) to be accessible to the handicapped. Unless they are, a building permit cannot be issued.

California law requires all government buildings open to the public to be accessible to the physically handicapped. It also requires buildings with special toilet facilities for the handicapped to be sign posted.

Some communities have acted locally to overcome barriers. Champaign and Urbana, Illinois, have ramped the curbs in their downtown shopping areas. Fort Lauderdale, Florida, has amended its building code to eliminate barriers from future public buildings and already has constructed a public library, theater and swimming pool accessible to the handicapped.

Fresno, California, and Milwaukee, Wisconsin, have building codes to eliminate certain barriers from public buildings. St. Paul, Minnesota, has a new civic center and arena, as well as a large mall and business area, which are barrier-free, and its city health center, conservatory, downtown library and 13 public schools are accessible to the handicapped. In Chicago, the Civic Center has accessibility features and an addition to the Art Institute was designed to be barrier-free.

Yes, there have been attempts to bring 25 million handicapped Americans back into the mainstream of American life. But these efforts, though commendable, are too few and too slow. What we need are:

1. Uniform laws throughout the United States requiring construction of barrier-free buildings for public use.

2. The logical extension of the architectural barrier philosophy to public transportation to make it freely usable by the physically handicapped. (Our society can put a man on the moon, but it cannot yet provide public transportation capable of getting a physically handicapped person from one part of the city to another).

3. General recognition that just as our country is determined to eradicate all vestiges of discrimination based on race, religion or sex, so will it no longer tolerate second-class status for the physically handicapped.

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## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL). Under the previous order, the Senate will now resume the consideration of the conference report on S. 659, which the clerk will state.

The legislative clerk read as follows:

A report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Will the Senator yield some time to me?

The ACTING PRESIDENT pro tempore. The Chair advises the Senate that the vote on the adoption of the conference report will occur at 3:30 p.m. The time prior thereto is to be equally divided between and controlled by the manager of the bill, the Senator from Rhode Island (Mr. PELL), and the Senator from New York (Mr. JAVITS).

Mr. MANSFIELD. Mr. President, I withdraw my request.

How much time does the Senator desire?

Mr. GOLDWATER. Two minutes.

Mr. MANSFIELD. I yield 2 minutes under the time to the distinguished Senator from Arizona.

Mr. GOLDWATER. I thank the Senator.

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## THE PRESIDENT'S VISIT TO MOSCOW

Mr. GOLDWATER. Mr. President, during the campaign of 1968, candidate Richard Nixon said, in effect, that the United States under his presidency would never become weak militarily. He knew then, as he must know now, that because of the years that Robert McNamara had been Secretary of Defense, the United States had been undergoing a virtual unilateral disarmament. Had it not been for President Kennedy's movement into Vietnam and into war in Vietnam, McNamara could have very well so weakened this country that we would have been at the mercy of new powerful nations who cared to challenge us.

I mention this background because of what I have read in the paper the last several days and what I have heard from other information—which, by the way, can no longer be called classified. I am concerned that the President, in Moscow, is going to make a step that will be to the detriment of our position in this world of power.

In effect, what he proposes to do is to allow the Soviets to continue to build up their submarine and missile strength for a period of 5 years while at the same time we reduce our ABM sites, get out of the nuclear submarine business, and allow our missiles to stand at their present level, which is considerably below the Soviet.

I hope that what I have been hearing is wrong, because in this world, if we go away from power and others go toward power, the United States cannot be second to anyone, which, in my opinion, we

now happen to be in several categories of the military, including missiles. To allow this to further deteriorate would, in my opinion, be a great disservice to the United States, to our responsibilities in the world, and to the hopes that peace might come. While it will do no good for a Member of Congress to oppose this, because there is no way to oppose it by vote, nevertheless, I find myself in disagreement with my President on this move if the reports we hear are indeed true.

However, the President may be getting something in return for this agreement, if made; and if what he gets is worth the risk of the SALT agreement, then the agreement becomes another matter. I think it is very important that we know if there is any linkage between what is agreed upon at the SALT talks and other events to involve the United States and Russia very directly and strategically in the context for world balance of power.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from Delaware.

Mr. BOGGS. I thank the distinguished majority leader.

## THE UNITED STATES-SOVIET ENVIRONMENTAL PROTECTION AGREEMENT

Mr. BOGGS. Mr. President, President Nixon yesterday signed a major agreement with the Soviet Union on cooperation to improve the environment.

The President is to be congratulated on this major step forward in our effort to insure a better environment for all people of the planet.

I think it is significant that this agreement, which President Nixon signed with President Podgorgny of the Soviet Union, was the first major agreement to be reached at the summit talks.

We all recognize that there may be additional agreements in Moscow on issues affecting the military postures of our two nations. These would be important. Yet I can think of few areas of cooperation that have greater long-range significance than this environmental protection agreement.

I believe that Chairman Russell Train and his fellow members on the President's Council on Environmental Quality are to be congratulated for developing the basis for this agreement.

Specifically, Mr. President, the Moscow agreement will enable the two most powerful industrial nations of the world to work together on research projects in a number of specific environmental areas. Further, the agreement will encourage a mutual sharing of information, which will be vital to a fuller understanding of world environmental problems.

While the Senate, in the past, has considered a number of major environmental laws, our vision has largely been limited to problems as they occur within the territory of the United States.

Yet, as we are all aware, problems of environmental degradation are worldwide in scope. Air pollution in one country can affect the people of another nation. Water pollution from one nation can affect marine breeding grounds, damaging fishing areas adjacent to another country. Pollution may have a damaging effect on climatic conditions throughout the world.

Thus, yesterday's agreement is truly a landmark on the road toward a better environment for all Americans and for all peoples.

I wish to express my congratulations to President Nixon and his advisors on its development, and I congratulate the Soviets for their willingness to work with us in this great task, which will benefit both our peoples.

Mr. President, a fact sheet on the U.S.-U.S.S.R. environmental protection agreement has been prepared. I ask unanimous consent that it be printed at this point in the RECORD, to give Senators a fuller understanding of the broad scope and significance of yesterday's agreement.

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

FACT SHEET: U.S.-U.S.S.R. ENVIRONMENTAL PROTECTION AGREEMENT

1. The Agreement on Cooperation in the Field of Environmental Protection between the Governments of the United States of America and of the Union of Soviet Socialist Republics was signed in Moscow May 23, 1972 by President Nixon for the U.S. and by President Podgorgny for the U.S.S.R.

The agreement is the first of its kind between the two countries and represents the first comprehensive one on the environment between two major nations. We have no similar agreement with other nations, although we have several formal and informal arrangements with other nations and organizations relating to specific problems.

The agreement calls for joint research development, mutual cooperation and exchange of information in all eleven specific areas of environmental protection. These are: air pollution, water pollutions; environmental pollution associated with agricultural production; enhancement of the urban organization of national parks; marine pollution; biological and genetic consequences environmental changes on climate; earthquake prediction; arctic and subarctic ecological systems; and legal and administrative measures for protecting environmental quality.

2. *Three factors make this agreement unique:*

It marks the first time the two countries have decided to work together in all areas of environmental problems;

In the past agreements on environmental problems have involved only exchanges of time. This agreement identifies potential cooperative programs between the two countries to be implemented at a much higher level and focuses on long-term problems. It is open-ended, will remain in force for five years, and can be extended successive five-year periods unless either government wants to end it;

The agreement will identify the relative effectiveness of legal and administrative measure to protect the environment as practiced by two radically different forms of government. In the U.S. control is exercised through legislative and regulatory measures; in the U.S.S.R. it is exercised through a state-controlled mechanism.

3. Bilateral programs envisioned through the agreement would involve exchange of scientists; experts and research scholars; organization of bilateral conferences symposia and meetings of experts; exchange of information and research findings and the development and implementation of joint programs and projects.

The agreement will establish a U.S.-U.S.S.R. Joint Committee on Cooperation in the Field of Environmental Protection, which will meet once a year in Washington and Moscow, alternately. Between these sessions contact will be maintained by two Coordinators—one Soviet and one American. It is expected that the Coordinators will be designated shortly and that U.S.-U.S.S.R. Joint Committee will meet in the near future to work out details of bilateral programs.

4. Agreement is result of careful planning and private and governmental exchanges on problems of environmental quality over past few years. Following the preparation of draft proposals from interested U.S. agencies, by the Council on Environmental Quality working with the National Security Council, CEQ Chairman, Russell E. Train, was asked by the White House in November, 1971 to head an interagency task force to study the possibility of a U.S.-U.S.S.R. environmental agreement.

Train met with Soviet Ambassador in Dobrynin in March, 1972 to discuss specific areas for bilateral cooperation which the task force had developed and possible forms for the agreement. In April, 1972, the Soviet Union invited the U.S. to send a small technical delegation to Moscow to develop a draft agreement. In early May, a four-man team headed by Dr. Gordon MacDonald of CEQ went to Moscow and agreement was reached on a draft text. The negotiations were conducted quickly and successfully with no major substantive disagreement on either side.

5. The agreement has practical importance to the rest of the world because it underlines the significance the two major powers place on the importance of environmental issues. It may very well lead to other kinds of bilateral agreements between countries who share similar kinds of problems. And it provides a positive push to the United Nations activities on the environment to be highlighted by the two-week U.N. Conference on the Human Environment beginning June 5. Although the Soviets have so far declined to participate in the conference because the inclusion of East Germany is still not resolved, this agreement shows their clear and real interest in environmental issues.

6. Agreement is closely tied to development of better Soviet-U.S. trade relations because it will allow purchase of technology in use by either nation to meet environmental goals.

7. On balance the U.S. will gain as much as the Soviets from the agreement. For example, although we are ahead in several areas of technology in combatting air and water pollution, the Soviets have made significant progress in such areas as arctic and subarctic ecology and in controlling urban sprawl and improving public urban mass transportation.

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

Mr. BOGGS. I yield.

Mr. PELL. I congratulate the Senator from Delaware on his remarks, and I wish to associate myself with them and to join in congratulating the President and those members of his administration who worked out this agreement.

As chairman of the Subcommittee on Oceans and International Environment, I know that we will look forward to recommending consent to this agreement. I think the remarks of the Senator from Delaware were singularly well chosen and felicitous.

Mr. BOGGS. I thank the distinguished Senator from Rhode Island. I know of

his great work in this field. I appreciate his associating himself with these remarks, and I am honored.

## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD various communications concerning S. 659.

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

NEW HAVEN, CONN.,
*May 22, 1972.*

Senator CLAIBORNE PELL,
*Washington, D.C.:*

I am very enthusiastic about the higher education provision reported out by the conference on S. 659. While the busing rider bothers me, I am not qualified to judge how it looks in the light of alternatives. However, I did want you to know, that these provisions relating to students and institutional support would go a long way to help all universities without imposing a heavy hand of uniformity on higher education. Best of all, it would help the students who need it most and still allow them to choose the institutions they most want to go to.

KINGMAN BREWSTER, JR.,
*Yale University.*

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Re higher education bill.

To: Presidents of state colleges and universities and associate members of the AASCU.

From: President Robert R. Martin, AASCU.

Date: May 16, 1972.

Conferees on higher education omnibus bill are reported close to agreement. We anticipate that Conference Report S. 659 will shortly reach the floors of the House and Senate for action. Key supporters of bill are certain that a major push from constituents on all House and Senate Members will be imperative to enact this legislation. S. 659 contains major new thrusts in institutional aid, student aid, and program support needed by AASCU members. It is urgent that not only AASCU presidents, but members of their boards of trustees and other local leadership wire and call their Senators and Representatives urging early adoption of the conference report.

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Re higher education bill.

To: AASCU presidents, AASCU non-member presidents, AASCU associate members.

From: President Robert R. Martin, AASCU.

Date: May 19, 1972.

Attached is an informal and unofficial summary of the higher education bill that came out of the conference Wednesday, May 17, 1972. This summary deals only with selected highlights of the complex bill. We hope to have a copy of the actual bill (still being written) and the conference report early next week and we will send you evaluations of the implications for AASCU institutions in the various provision of the bill.

We have met in the past two days with the Members of the Senate and House who steered the bill through the conference and through the many necessary and inevitable compromises. They all have emphasized that they will have to "run scared"; vigorous grass roots support in the form of phone calls from and even personal meetings with officials of institutions of higher education, their trustees, faculty members, students, and interested persons outside of the college community, will be needed to gain the necessary votes to pass this legislation.

Mr. PELL. Mr. President, we are now leaving H-hour on D-day, the moment of decision as to whether this omnibus education bill, with its very new, broad, innovative higher education provisions will become law.

I would call to the attention of the Senate two new concepts in the higher education provisions which are emplanted in the legislation. The first is that education beyond high school should be a matter of right, a matter of entitlement to our Nation's youngsters without restriction due to the economic situation of the family. The other innovative concept is that there should be direct assistance to institutions of postsecondary education. This assistance is based in part on the number of students receiving the basic grant I spoke of earlier, the amount of Federal student assistance at each school and graduate education. By this approach we hope that we have avoided some of the constitutional problems that might have arisen if institution aid had been on a straight capitation basis.

Together with this, we have created a new Division of Education within HEW, somewhat overhauled the Office of Education, and established an Institute of Education, seeking to make easier, the implementation of the bill of the Senator from Connecticut (Mr. RIBICOFF), to establish a Department of Education and Culture. By overhauling the basic law, we have made the spinoff of the division easier to accomplish.

In addition, we sought to accomplish some consolidation and attempted to make a very complicated set of code books on the Higher Education Act more simple and easier to read.

In addition to that, this bill has had added to it the President's emergency school aid program, which was designed to bring additional money to those areas of our Nation, particularly the ghetto areas, where our Nation's disadvantaged children are concentrated.

The amount of money was increased over the President's request from $1.5 billion—actually from $1.350 billion, because $150 million was already appropriated—to $2 billion.

Also, passage of this portion of the bill would achieve many of the objectives in the President's proposal for the equal educational opportunity that the Senate is now considering.

In addition to that, the bill carries on its back the various antibusing provisions. These antibusing provisons, like the tip of an iceberg, are all the Nation sees. Just as one cannot see the bulk of an iceberg, which is underwater, the broad, new educational approaches in this bill, have been submerged beneath the surface. But this tip, which is very obvious, causes the problem which makes its passage difficult. It is this tip that has caused the unholy alliance of the left and right in opposition to the bill. If this polarization of the forces from the left and the right come together and move toward the center, we will soon find the middle ground diminished and the supporters of the bill will be overwhelmed. That would be a very sad day indeed for the Senate, the Congress, and our Nation.

For those reasons, I would hope that those in opposition would not succeed in their intention and efforts to torpedo the bill. I would hope that those groups fail in this body and also in the other body. I would hope that when the bill is finally passed, as I trust it will, that the President will sign it. I would hope that he would not exacerbate the national concern with busing. That when he looks at the tip of the iceberg, the President does not lose sight of the far more basic educational philosophy in the bill, and that he will act the role of a mature leader and concentrate on the really important issues educational concerned. He should also recognize that this bill is truly a great credit to the administration, who contributed much of the thinking and much of the work that went into the bill.

I would hope that the bill could become law. If it did become law, and if appropriations followed quickly with administration support, we would find the effects of this bill playing a role in the education plans of our Nation's youngsters and their parents in the coming fall

For all these reasons, I would hope that this bill would survive. I would also submit that, if it passes, those on the right and those on the left, who oppose it for reasons that they consider important—local reasons and ideological reasons—will in the end be very, very glad indeed that this bill has passed.

I yield the floor.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Everything that the Senator from Rhode Island (Mr. PELL) has said is true. It is a matter of deep regret to me, and I think it should be to the country, that this bill has been used as a vehicle to perpetuate injustice—that that is the straw that breaks the camel's back.

Mr. President, I say everything the Senator from Rhode Island has said is true on the substance. I do not agree with him about "the right and the left." It is very easy to toss that one in the air and say, "Well, some people want an ab-

solute bar on busing. Some people want lots of busing. We are in the middle." I do not think that is true at all. I do not think those of us on my side of the issue wants lots of busing. We showed that in the Senate when we worked out a very honorable and very pragmatic set of criteria which would determine the future of the busing issue, which should have satisfied everybody—the city dweller's concern about having a child bused inordinate periods of time, the concern of all parents about the fact that children could not learn if the busing were too intrusive in their lives as well as the suburban dweller's concern about the impact on the suburban school of outside children being transported to that school.

We have protected them all and thus limited court-ordered busing. We refused to inhibit busing within these limts of the reassignment of students to different schools, because we felt there had to be desegregation of our schools.

The idea that such desegregation has been completed is an illusion. Some has taken place. Much has not, both in the North and in the South. And I emphasize that.

Finally, Mr. President, and very importantly, we are trying to deal with a heritage of injustice. Let us remember that in the very same room of the old Supreme Court Chamber in the Capitol in which we came to the conclusion of this tremendous conference in terms of time and complexity, the case of Plessy against Ferguson was considered more than 75 years ago, which perpetuated into our law as late as the latter part of the 19th century——

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Surely.

Mr. PELL. The Senator from New York has been here twice as long as I have. Does he recall a conference which was long as this one or as arduous as this one, or one which went as late into the morning hours in, incidentally, the old Supreme Court chamber to which the Senator referred?

Mr. JAVITS. I can confirm that. I am not sure history would not show that there were conferences that lasted even longer or that were tougher, but this ranks with the best of them, I can assure the Senator.

Again, I repeat, because it is from a friend to a friend, my feeling of satisfaction of how well the Senator from Rhode Island carried it off.

To resume, the Plessy against Ferguson doctrine was that of "separate but equal"—that is, that facilities, including schools, could be separate for blacks and whites provided they were equal—an anathema to our Constitution, an anathema to the dignity of the black man, an anathema to justice—finally reversed by the same Supreme Court in 1954 in Brown against Board of Education, 58 years later. Now some 18 years after that we are still struggling with the concept.

So, Mr. President, while thoroughly embracing all of the magnificent educational achievements of the bill, one still has to decide whether he can swallow the fact that this outstandingly fine education bill should be used as the carrier for a confirmation of injustice. I do not consider that a doctrine of the left or the right. I consider it the path of honorable legislating, to have faith in the legislative process to produce a result without being a carrier for major injustice.

Mr. President, I am not unmindful of the fact that there are black groups that themselves adopt a parochial and racist attitude with respect to desegregation of the schools and busing. People in my position have learned, through the years, that you cannot expect thanks or appreciation when you make very hard and difficult decisions of this nature. But I am deeply convinced that the future of our Nation is very heavily tied up with some restoration of real equality between that 11 percent of our population which is black and the 89 percent which is white, and that so much of the difficulty which is being suffered today is due to the heritage of injustice and the result of deprivation practiced over so many years. When the issue is as deep and as moral as that, I do not consider it an issue of the left or the right.

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

Mr. JAVITS. I yield myself 5 additional minutes.

One could say this is a decision, Mr. President, which is deep in the right, because it is grounded so heavily in the interpretation of the Constitution, not only by the Supreme Court but by us, because of the whole series of legislation since 1954 seeking to assure equality of education, which we ourselves have enacted. This is a deep question of conscience for each individual, Mr. President, and each individual must decide for himself where the preponderant benefit to the country lies. I have made my decision; others have made theirs. I respect every decision, including that of the distinguished manager of the conference report, the Senator from Rhode Island (Mr. PELL) for himself, but I cannot accept any categorization of this decision as being a decision of the right or of the left.

I remember, Mr. President, from my own career in the House of Representatives, an extremely concerned Member of Congress from downstate Illinois who voted in what one could consider a most liberal way upon a constitutional issue. He said to the House at the time that it deeply grieved him; he felt it was the most painful thing he had ever done to vote as he did. The measure involved a question of the paying of a bill by the Federal Government which the courts had found should be paid, and he was deeply opposed to paying it, but he voted to pay it nonetheless because he felt that the Constitution prevailed over every other consideration of ideology.

So I would say that the decision is a decision above ideology, above left or right. It is a decision as to the degree of importance which one is to give to a profound constitutional question like the question of the desegregation of schools.

Mr. President, I hope very much that every benefit which will flow from this measure as it develops into law one way or another—as I have no doubt it will—will show its great value to our people. But I cannot equate this value, which I am convinced inheres in the educational aspects of the bill, with the crushing load of injustice which we continue to ask minorities to bear in this country. Nor, Mr. President, at a time when they feel the tide is flowing against them, would I fail to lend my voice and such influence as I have to their cause, because it is not a friendless cause; on the contrary, it is a typically, traditionally, and deeply American cause.

Mr. President, I express the hope that our problems will be dispelled, the problems both of those who vote for and those who vote against, by the action of the courts—indeed the statement of managers of the conference invites that, and quite justly, with relation to the so-called Broomfield amendment—and that the courts, profiting from our discussion and debate and the considerations which went into our debate here, will either find the provision constitutional, as I believe they properly can and should, or, at the worst, will find that it does not deal with public school desegregation because of the language of the measure itself, which inhibits for the 19-month automatic stay both transfers and transportation to achieve a balance, as the bill states, in race, sex, and other considerations, including socioeconomic status. I hope the courts will be persuaded by their own decision that this inhibition does not extend to court ordered desegregation based upon violations of constitutional rights in segregating children in school, that the courts cannot be deprived of the authority to redress that kind of damage which is done to the individual if he is denied his rights under the Constitution of the United States, and that our power does not extend to depriving them of the jurisdiction to redress the deprivation of a constitutional right.

If we cannot deprive them of the jurisdiction to deal with that constitutional right itself, we cannot deprive them of the incident, to wit, the immediate implementation of an order redressing a violation of that right.

Mr. President, the Supreme Court could settle both these questions very quickly, and I have no doubt that should this measure become law the Supreme Court will be faced with those questions very quickly. I hope the Court will give them the highest priority, so that the issues may be settled; and if they should, as I hope they will, find the law unconstitutional and vague, then, Mr. President, the country can truly find relief and enjoy the benefits of the magnificent structure in respect of education which is being established by this bill.

Mr. President, I close my part of this debate as follows:

This is truly a historic piece of legislaton for what it does for the higher education. Yet I am constrained to oppose the conference report, because it is also a historic piece of legislation for what it does against the interests of the children of minorities, and against the Constitution of the United States. Notwithstanding all of the meritorious provi-

sions, all of this which means so much to education in our Nation, to our students and our schools, I have not signed the conference report, though I am the ranking Republican member of this committee, and played a tremendous part, in terms of time and effort, from the very moment the bill first came before us in committee.

But all of this is outweighed by one provision which, in my judgment, is a clear and unconstitutional repudiation of the principles regarding equality of the races in terms of equality of opportunity. This provision, as Tennessee Ernie Ford used to put it, is the clod in the buttermilk. Because of it the contents of the entire churn, the fruit of so much toil, is ruined.

Once again, higher education is made the secondary issue in a higher education bill. Once again, a complex and fine bill becomes like an inverted pyramid resting on its point—the civil rights issue. Once again the Congress is rent with a debate between morality and pragmatism.

It is, therefore, with regret that I feel I must vote to reject the conference report on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I now suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call may be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I yield to the Senator from Florida such time as he requires.

Mr. CHILES. I thank the Senator from Rhode Island. I should like to ask him several questions.

In the debate on the original bill, Senator TALMADGE'S amendment in section 804 was as follows:

> A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to re-open or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student. Such reopening or intervention will also lie if the effect of such a court order is alleged to impinge on the quality of his or her educational processes. Further, such parent or guardian shall have the right to re-open or to intervene as a class in respect of such a busing plan on behalf of such student and all other students similarly affected thereby.

I interpret the original Talmadge amendment, as adopted by the Senate, to mean that an existing and final school busing order can be reopened either because the time or distance of travel risks the child's health or because the effect of the court-ordered busing significantly impinges on the child's educational processes. Is this the Senator's understanding of the original language?

Mr. PELL. In response to the Senator, I have reviewed the RECORD of March 1, and I agree that the RECORD indicates that that was the intention of the original Talmadge amendment.

Mr. CHILES. As I read the explanation of the conference report by the conferees, it was their intention to retain the substances of the original Talmadge amendment in section 804 of the conference report. Am I accurately reflecting the intention of the conferees in this regard?

Mr. PELL. This particular section was discussed three times. There were a number of questions about the technical meaning of the language. The language which was adopted by the conference was, in my opinion, designed to carry out the original intent of the Talmadge amendment. I can assure the Senator that at no time during the course of the conference was there any stated intention to change the intent of the Talmadge amendment.

Mr. CHILES. I thank the Senator from Rhode Island.

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

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

Mr. PELL. Mr. President, I yield to the Senator from Virginia such time as he requires.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Rhode Island.

Mr. President, the conference report on higher education is a very important piece of legislation. There are many facets to it. On the whole, I approve of the measure in regard to higher education. Since I have been in the Senate, I have favored Federal support for higher education.

I approve of many parts of this bill. I am not in agreement with some aspects. The conference report contains 228 pages.

One of the sections that concerns me a great deal is that which pertains to the busing of schoolchildren for the purpose of creating an artificial racial balance in the public schools.

This report was only available at 10:30 yesterday morning. It is somewhat difficult to digest and understand all of its ramifications. I understand that the conferees spent some 6 to 8 weeks in working out the conference report. It is rather difficult to comprehend all of it in the short period which has been available prior to the time the Senate will be called upon to cast its vote.

But if I correctly understand the provisions, the conference report, insofar as it deals with the question of the compulsory busing of students to achieve a racial balance, is much stronger in condemnation of and in attempting to prevent compulsory busing than was the original Senate action.

As to whether it goes as far as the House of Representatives went in its legislation, I am not completely clear in my mind on that point.

With regard to the compulsory busing of schoolchildren to achieve racial balance, I would prefer—and so voted yesterday—to send the legislation back to conference so as to strengthen its antibusing provisions.

Yesterday, the Senate debated that question and it concluded otherwise. So, those of us in the Senate today must determine whether to vote to reject the conference report entirely or to support it.

The report, as I read it, makes clear that Congress does not sanction, does not favor, does not advocate, and does not approve of the compulsory busing of children to achieve racial balance in the schools. That section does not go as far as I would like for it to go. But it goes further than the Senate has been willing to go in the past. I think that is a good sign.

Why did it come about?

Well, the House of Representatives, being closer to the people than the Senate, perhaps, helped to prevail upon the Senate conferees in that regard.

But more than that, I think the elections held in recent weeks have had an effect; and if they have not had an effect, they certainly should have.

When one sees the results of elections in Florida, Maryland, and Michigan, it seems inescapable to me that those elections suggest the overwhelming majority of the American people are strongly opposed to what is being forced upon them by the Department of Health, Education, and Welfare and by the Federal courts in regard to the busing of their children.

I feel that Congress should take a strong and firm stand—a clear-cut stand—in all-out opposition to compulsory busing. Congress is unwilling to do that. But the conference report does take more steps forward than have ever been taken in the past. It is stronger than the Senate has ever been willing to go in the past.

If the House should send to the Senate stronger legislation than this, I shall vote for it. If it were possible for amendments to be presented to the Senate making the antibusing provisions stronger, I would support such provisions.

But in considering the conference report on balance, in considering the fact that this is a highly important piece of legislation involving $21 billion of authorizations over a 4-year period, and considering the fact that the antibusing provisions go further than the Senate has ever before been willing to go, then I think, on balance, I shall be inclined to cast my vote in the affirmative.

Mr. President, in regard to the question of busing, it seems to me that the Department of Health, Education, and Welfare and our Federal courts have gone and are still going completely contrary not only to the will of the people of this Nation, but also contrary to the best interests of the schoolchildren themselves.

I strongly condemn the policy of compulsory busing and I hope that Congress will speak out out more strongly on the subject than it appears willing to go at this time. But most certainly the conference report goes further than the Sen-

ate has ever been willing to go before. That is some consolation to those of us who oppose the practice of compulsory busing in order to achieve a racial balance in our public schools.

I am strongly opposed to compulsory busing. It is wrong. It is unjust. It is not in the public interest.

The conference report does not go as far in opposition to compulsory busing as I would like. But at least it seems to be a step or two in the right direction.

If anything stronger comes along I will vote for that also.

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

Mr. PELL. Mr. President, I thank the Senator from Virginia (Mr. HARRY F. BYRD, JR.) for his words and hope that he will not regret his present viewpoint.

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

The PRESIDING OFFICER (Mr. CHILES). On whose time?

Mr. PELL. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I yield to the Senator from Alabama as much time as he cares to have.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Rhode Island for yielding time to me at this time.

On yesterday, Mr. President, I voted against the motion made by the distinguished Senator from Rhode Island (Mr. PELL) to table the motion by the distinguished Senator from Michigan (Mr. GRIFFIN) to instruct the Senate conferees to accede to the House amendments. I was not happy then with the provisions of the conference report on busing, and I am not happy with those provisions today.

The conference committee proposal does not put an end to massive busing and cross busing to achieve racial balance in public schools. To the contrary, it condones, encourages, and authorizes funds for present and future busing to achieve racial balance.

The proposal does not address itself to the fundamental problem which is now and has always been an abuse of discretionary equity powers of U.S. district court judges to shape gargantuan desegregation decrees.

The measure does not heed the twice given House instructions to its conferees not to waffle on the issue of forced busing.

The measure does not meet the expectations of President Nixon nor the requirements of his own temporary and long-range proposals on busing.

In that connection, Mr. President, the President recommended legislation—and it is pending in the Senate at this time—that would have withdrawn jurisdiction from the Federal courts to issue any new orders prohibiting forced busing for the purpose of creating a racial balance and for that prohibition to extend for 1 year from June 30 of this year.

The difference between the conference report and the President's recommendation is that the conference report would not stop or prevent district courts from issuing orders for mass, forced busing. It would merely stay the enforcement of those orders pending an appeal, whereas, under the President's proposal, the authority to issue the orders in the first place would be withdrawn during the period of the moratorium.

Neither the conference report nor the President's recommendations cover what might be called old busing. And in Alabama and the South, that is what we have to contend with, because some 90 percent of the forced busing that can be ordered by the Federal district court has already been ordered. The decrees are final. There is nothing to appeal from. There are no new orders to be issued.

So, as a result neither the President's plan nor the conference report gives a great deal of relief to Alabama and the South. The conference report does not recognize the integrity of neighborhood schools, even to the extent conceded by the U.S. Supreme Court.

It does not even suggest that busing children should be a remedy of last resort in the desegregation process.

Mr. President, in the President's recommended legislation, in reciting and outlining the steps that courts are authorized to use to desegregate public schools, the use of forced busing is at the very bottom of the list. But in that regard the conference report does not come up to these beneficial provisions of the President's suggested legislation.

The conference report does absolutely nothing to relieve the grave injustices that have already been inflicted on the school systems, the schoolchildren, and the parents in the South, because desegregation is an accomplished fact in Alabama.

I was interested to note what happened in the State legislature in the State of New York, where they recently passed in the State legislature, house and senate, a moratorium not only on new busing but on old busing. The assembly majority leader, John E. Kingston, said that busing children to achieve racial balance "has disrupted the orderly administration of the education process and has divided our society."

It is my firm conviction that Mr. Kingston has expressed the sentiment of the people from every State and region of the Nation. Every time the people of this country, whether they be in the North or South have gotten a taste of forced busing of schoolchildren in order to create an artificial racial balance there is great opposition to any such move.

Look at what happened in the State of Michigan in the recent Presidential preferential primary, where the leading advocate of putting an end to forced mass busing, even though he came from the Deep South, received 52 percent of the votes cast in that presidential primary.

In fact, there is only one concession in the proposal that relates to relief from busing, and that is in cases where final orders have not been issued. In such cases it would permit a delay in implementation until appeals have been exhausted or the time for appeal has expired. That is the full extent of the statutory relief offered by the bill.

The chief beneficiary will be the areas outside the South. There will be areas where the desegregation process is just now starting or has not started. There is more desegregation in the South than there is in the North and East. It seems as if the Federal courts are going to start very soon and they have already started in some areas, desegregating public schools in areas outside of the South.

Let us begin with section 802(a) which relates to use of funds. In substance, the idea attempted to be conveyed is that appropriated funds may not be used to bus school children in order to overcome racial imbalance in a school or school system. But note the escape clause—"except on the express voluntary request of appropriate local school officials."

We in the South know what that means. A U.S. district court judge simply issues an order which requires local school officials to request such funds as may be necessary to overcome racial imbalance in a school system. The penalty for refusal to request such funds is the threat of confiscatory fines and imprisonment, without trial by jury. It is that simple. We in the South are quite familiar with this technique and there is no reason to believe that the same technique will not be applied uniformly throughout the Nation. The point is that the appropriated funds can and will be used to bus children or to pay such other cost as may be required by a U.S. district court judge. There are no "ifs," "ands" or "buts" about it.

Then, there is a provision that Federal officials shall not require the use of local funds for transportation of pupils. But notice the escape clause—"unless constitutionally required. And what does that mean? Simply this—The Department of Health, Education, and Welfare, the Department of Justice, and any other Federal agency may require use of local funds and condition receipt of Federal funds on use of local funds for transportation to achieve racial balance when such transportation is required by a U. S. district court judge.

Mr. President, all this talk that Federal funds cannot be used for busing and Federal agencies cannot require or force local school systems to use State or local funds for that purpose, sounds mighty good. That sounds like they are going to cut off the funds and since they would have no funds there would be no busing. But, Mr. President, it does not work that way.

The U.S. district judge in his decree orders busing of schoolchildren. Nowhere does the conference report withdraw the power to order busing of schoolchildren under order of the Federal court except as regards the moratorium during the appeal which expires, by the way, on January 1, 1974. So the Federal judge orders the local school system to bus. He does not say where to get the money. He just says, "Bus, and if you do not bus

and provide the funds the local school officials will be in contempt of court."

So all these provisions are not worth anything whatsoever and the main value of the conference report is that it does provide a moratorium on busing orders that are under appeal until the decision on that appeal or the time for appeal has expired, if there is no appeal.

Mr. President, that is worth something, and that is better than what we now have, but I do not want anyone to feel the junior Senator from Alabama approves the language of the conference report. They have given just as little as they possibly can to get the conference report agreed to.

It will, in all likelihood, be an entering wedge. We have constitutional amendments pending that would outlaw forced busing for the purpose of creating a racial balance in our public schools. Perhaps this entering wedge will let us move on to that provision. Perhaps the distinguished Senator from Michigan (Mr. GRIFFIN) will offer again his plan for withdrawing jurisdiction from the courts to order busing for the purpose of creating a racial balance in our public schools.

It will put Congress on record as favoring some limitation, and that limitation will be effective insofar as it goes. I am frank to say that very little relief is going to be given to the State of Alabama in this regard, but wherever this practice is used and resorted to—and it looks like that is going to be throughout the country—this conference report would give some small measure of relief.

It is hoped that during this moratorium period Congress will come forward with permanent legislation limiting the jurisdiction of Federal courts, outlining procedures for desegregating the public schools, rules to be used by the Federal courts—which is definitely within the power of Congress.

I would hate to see this important piece of legislation—legislation authorizing appropriations for higher institutions of learning, money that is greatly needed by our universities, our colleges, our junior colleges, grants and loans for students, enabling them to get the benefit of a college education—defeated by a defeat of this conference report.

Send it back to the conference for further conference, favorable consideration of stronger provisions against busing? Yes, do all those things. It was tried on yesterday. Now we are going to have a vote at 3:30 up or down on the conference report.

Much as I feel that the conference report provisions aimed at stopping forced busing of schoolchildren for the purpose of creating racial balance fall short of the mark, they are a step in the right direction. They are more than we have now. They may open the way for passing more effective legislation.

Mr. President, it is going to be with great reluctance that I vote for this conference report with its inadequate provisions against forced busing, but I feel that much important legislation is at stake. This is a combination of some five major bills, and the conference committee has worked long and hard to try to come to a compromise on the busing provisions. I am not satisfied with them. If it were a vote up or down on those provisions, I would vote against them as being inadequate and try to get better ones. But lumped in as it is under the liberal rules of the Senate, allowing adding such amendments or riders to a bill, lumped in as it is with the authorization bill for higher education, I feel constrained to cast my vote in favor of the conference report, feeling that in doing so I am doing what is best for the people of Alabama and what is best for the people of the Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. PELL. Mr. President, I yield such time as he may require to the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, I would like to inquire of the chairman to clarify one point relating to section 803 of the bill, the Broomfield amendment, which provides for staying the effect of certain final court orders requiring the transfer or transportation of students until all appeals are exhausted or the time for appeal has expired. That amendment was agreed to in toto by the Senate conferees with the only addition being an expiration date—January 1, 1974. It was my understanding, as one of the conferees for the Senate present during the entire discussion on this point, that all stays granted pursuant to section 803 will expire no later than the date the section expires, that is, January 1, 1974. Is this a correct statement, in the chairman's judgment, of the intent of the majority of Senate conferees in accepting the Broomfield amendment with an amendment adding a specific expiration date and of the effect of the inclusion of this expiration date?

Mr. PELL. Yes, that is correct. We were very concerned since the Broomfield amendment, as adopted by the House, was completely open-ended. The stated purpose of that amendment—now section 803 of the bill—was to permit the appellate courts to resolve what were said to be inconsistencies in the application of school desegregation requirements by various Federal district courts, without making local school agencies implement the district courts' decrees during the time the issue was being resolved on appeal. We believed that the Supreme Court should be able to deal with this matter between now and 1974; hence, our insistence upon a termination date.

I also concur in the Senator's statement as to the effect of the termination date, that is, that all stays granted under section 803 will expire by January 1, 1974. However, as a nonlawyer, I would like to call on Senator EAGLETON, who is a lawyer and formerly attorney general of his State, and who was active in the conference in the negotiations on this point, as were you.

Mr. EAGLETON. Mr. President, the compromise reached by the conference committee with respect to this section was very definitely based upon the establishment of a date which sets the outside limit both for applying for a stay and for keeping such a stay in effect. Thus, the expiration of section 803 will operate to dissolve automatically any stays granted thereunder that may remain in effect on January 1, 1974, since they are dependent for their force and effect upon this section. Thereafter, the granting of stays in cases where the court orders the transfer or transportation of students will be governed by the law as it exists apart from section 803. I think this point should be made very clear so that the courts are not faced with the argument—as January 1, 1974, approaches—that that date was added to section 803 simply to limit the period during which application for a stay may be made, and that once granted, such stays remain in effect until all appeals are exhausted or the time for appeal has expired. Such a reading is directly contrary to the legislative intent and to the clear meaning of section 803.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I yield to the Senator from North Carolina such times as he requires.

Mr. ERVIN. Mr. President, I should like to ask a question of the distinguished Senator from Rhode Island for the purpose of clarifying the legislative record with respect to the pending conference report.

I invite the attention of the Senator to page 213 of the conference report, particularly that portion which follows the discussion on page 212, where it speaks of what the conference report does with respect to a statement in the House amendment and with respect to a statement in the Senate amendment. It is followed by this sentence at the top of page 213:

> The conference substitute's version of the Senate provision, therefore, restates the policy contained in section 2(a) of Public Law 91–230 and in no way supercedes subsection (b) of such section.

My question is this: Does the language I have just read have any application to section 806 on page 147 of the bill as reported by the conference committee?

Mr. PELL. In answer to the Senator's question, I can assure him that the language in the statement of the managers'

report found on page 213 in no way refers to the provision of which the Senator is speaking.

Mr. ERVIN. I thank the Senator. That was the conclusion I had arrived at after reading all these references. I am glad to have the confirmation of the Senator that the interpretation I had placed on it is correct. I thank him very much.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield.

## ADJOURNMENT OF THE TWO HOUSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 619.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 619, which was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, May 24, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 3, strike out the word "it" and insert "and that when the Senate adjourns on Thursday, May 25, 1972, they"

Mr. MANSFIELD. Mr. President, in explanation, it does not seem possible that we can finish the pending business this week, unfortunately. We hope to finish it early next week. We do hope to clear up some items in the meantime and go as far as we can on the pending business. I make this announcement only to indicate the situation which exists.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution (H. Con. Res. 619) was agreed to as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, May 24, 1972, and that when the Senate adjourns on Thursday, May 25, 1972, they stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

## HIGH-SPEED GROUND TRANSPORTATION

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 979.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes which were to strike out all after the enacting clause, and insert:

That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631), is amended by inserting "and door-to-door ground transportation" immediately after "high-speed ground transportation".

(b) The first sentence of section 2 of such Act (49 U.S.C. 1632) is amended to read as follows: "The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation and door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.".

SEC. 2. (a) Section 8(a) of such Act (49 U.S.C. 1638(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

(2) In awarding contracts for the design or manufacture of equipment, or for the construction of facilities, in connection with research and development and demonstration projects under this Act, the Secretary shall give consideration to proposed contracts which will increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations)—

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment, as determined by the Secretary of Labor, of the available work force as a result of the termination or reduction of a federally financed or supported program and such increase in unemployment continues to exist.

Nothing in this paragraph shall be construed to require that any contract awarded under this Act must be wholly performed in any one labor area.".

(b) Paragraph (3), as so redesignated by subsection (a) of this section, is amended to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into agreements or contracts to carry out research and development under this Act shall, to the maximum extent practicable, be geographically distributed throughout the United States.".

SEC. 3. The first sentence of section 11 of such Act (49 U.S.C. 1641) is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: $97,000,000 for the fiscal year ending June 30, 1973; $126,000,000 for the fiscal year ending June 30, 1974; and $92,200,000 for the fiscal year ending June 20, 1975.".

SEC. 4. Section 12 of such Act (49 U.S.C. 1642) is repealed.

SEC. 5. (a) Section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended by striking out "fifteen years after the date thereof" and inserting in lieu thereof "twenty-five years after the date thereof".

(b) Section 505 of the Interstate Commerce Act (49 U.S.C. 1235) is amended by inserting immediately after "renewal or extension of any such guaranty" the following: "for any period of time not exceeding twenty-five years from the date of the original guaranty".

SEC. 6. Part V of the Interstate Commerce Act (49 U.S.C. 1231 et seq.) is amended by renumbering section 510 as section 511 and by inserting immediately after section 509 the following new section:

"AUDIT BY COMPTROLLER GENERAL

"SEC. 510. (a) In any case in which—

"(1) there is outstanding any guaranty by the Commission made under this part; or

"(2) the Secretary of the Treasury is required to make any payment as a consequence of any guaranty by the Commission made under this part;

the financial transactions of the common carrier by railroad subject to this Act with respect to which such guaranty was made may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such common carrier by railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the common carrier by railroad involved in such audit, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of the common carrier by railroad involved in such audit or lessens the protection afforded the United States at the time the original guaranty was made. A copy of each report shall be furnished to the Commission at the time it is submitted to the Congress.".

And amend the title so as to read: "An Act to amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes.".

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendments of the House on S. 979 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be author-

ized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. MOSS, Mr. BEALL, and Mr. WEICKER conferees on the part of the Senate.

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## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education) the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, in connection with clause (iv) in section 421(c)(1) in the conference report, regarding the general education provisions, I note that the statement of managers on the middle of page 207 fails to set forth an agreement I had personally and specifically reached with Secretary of the Department of Health, Education, and Welfare Richardson prior to conference action. That agreement was that we would amend my original anti-consolidation provisions so that the bar against making receipt of one piece of Federal assistance dependent on the receipt of assistance under another program would apply only to the adoption of such a tie-in as a matter of policy; and that if HEW proposed to attach such a condition to receipt of any assistance, the Secretary would notify the authorizing committees in each House well in advance of carrying out such intention. Was that the understanding of the distinguished chairman?

Mr. PELL. I assure the Senator from California that the answer is "yes," that that is my understanding.

Mr. CRANSTON. Thus, it is my hope—and I hope the floor manager will join me in this—that the Secretary of the Department of Health, Education, and Welfare will abide by this agreed procedure even though it is not specified in the statement of managers.

Mr. President, by supporting the higher education conference report, the Senate has an opportunity to move toward enactment of what is perhaps the most important piece of postsecondary education legislation ever to come before the Congress. The issue has been confused and clouded by the busing amendments, but the basic worth of the bill has not been eclipsed. I supported the Scott-Mansfield approach to busing that was adopted by the Senate. Over my opposition, we came out with something far less desirable in conference. But if the conference report is rejected, we will wind up with something still less desirable. Generally, if the conference report is sustained by the Senate and the House, this Congress will have enacted that legislation that is paramount to the future of higher education in this country.

At the core of the bill is a new program of financial assistance for students, the Basic Education Opportunity Grants. This provision introduces the concept of "entitlement," under which any student admitted to an accredited institution of higher education would be entitled to a Federal grant based solely on need. The grant would be equal to $1,400 minus what his family could reasonably be expected to contribute, but could not exceed 60 percent of what he needed to meet his educational costs.

This new grant concept is in addition to existing aid programs, such as work-study and guaranteed interest loans. Private as well as public colleges benefit from the formula. It will provide added help to students who must meet the higher costs of private colleges.

The final bill, as agreed upon by the conferees, provides general financial support for institutions of higher education, channelled to the institutions based upon the number of federally assisted students it enrolls. This feature not only provides assistance to colleges and universities burdened with rising costs, but encourages the schools to seek out and recruit students with financial need.

There are other provisions that will mean much to students and to institutions of higher education. A new National Institute of Education, modeled on the National Institutes of Health, will address basic, practical research in the processes of learning and teaching; emergency funds to institutions with severe financial difficulties are authorized; new assistance to community colleges, particularly valuable in my State of California, is provided; States are given new moneys to broaden their scholarship programs; and substantial improvements in Indian education programs are authorized.

I am particularly pleased that the conferees were so receptive to provisions of the bill that I had introduced in the Senate. I am proud of these measures and I feel they will make a significant impact on the levels of education addressed by this bill.

### VETERANS EDUCATION

My amendment sets up a $183 million incentive program to encourage colleges to recruit and enroll more Vietnam veterans as students. This will enable a college to get a $300 "cost of instruction" grant for each Vietnam or post-Korean war veteran it enrolls, or $450 if the veteran is a high school drop-out.

A participating college must boost its student-veteran enrollment by at least 10 percent. It will continue receiving the per capita bonus for each succeeding academic year that it maintains that new level of increased veteran enrollment.

Colleges must invest at least half the money in a special program that requires them to set up a full-time Office of Veterans' Affairs, participate in postsecondary programs for the educationally disadvantaged or run a prep program if the school is located near a military installation, run tutorial programs, and carry out active, outreach recruiting and counseling activities under federally assisted work-study programs.

Small schools of under 2,500 enrollment who could not feasibly carry out the four-point program on their own will be permitted to do so in concert with other colleges, or could receive a waiver of part or all of the four programmatic requirements.

This college incentive program to enroll more educationally disadvantaged young war veterans is needed because of the lethargy, delay, and footdragging of the Veterans' Administration and the Department of Defense. The VA and the Pentagon are to blame in large measure for the distressingly large number of Vietnam and post-Korean war veterans who are high school dropouts but who have not used their GI bill benefits to complete their education.

The American Association of Junior Colleges recently testified that at least half of our young veterans need further education or training if they are to compete realistically in the job market. Yet of the 4,110,000 Vietnam veterans who either dropped out of high school or never went beyond high school, a mere 550,000, just 13.4 percent, have gone back to school under the GI bill.

Those 4-million-plus veterans with a high school education or less constitute 80 percent of the 5,138,000 discharged Vietnam veterans who are eligible for free educational assistance.

Unemployment, which is now at a rate of 5.8 percent overall, runs as high as 15 percent for Vietnam veterans and up to 30 percent if they don't have a high school diploma.

Mr. President, yesterday I received a letter from Phillip M. Ramsey, of Montreat-Anderson College in North Carolina, describing the types of special veterans programs which that college had begun and plans to expand and improve under the veterans cost-of-instruction provision in the conference report. He also described some totally new programs which his college would begin under my amendment.

I am tremendously impressed with the ingenuity and initiative which this junior college has displayed and its very obvious commitment to providing maximum assistance to returning veterans. I ask unanimous consent, Mr. President, that the text of Mr. Ramsey's May 19, 1972, letter to me and the enclosed news release describing these programs be set forth in the RECORD at this point.

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

MONTREAT-ANDERSON COLLEGE,
*Montreat, N.C., May 19, 1972.*

Senator CRANSTON: Enclosed is an outline of a program or type of program that passage of your amendment for $200 direct institutional aid for veterans would stimulate on many college campuses.

While the scholarships in our current program are for only one year, passage of your program would allow us to offer this for both years here at Montreat. Furthermore, we feel that if Federal Government is willing to invest this type of money in us on behalf of veterans, we should be able to invest at least $200 per veteran from our own resources.

Our next step to the development of this program is to set this program on a regional basis (Western N.C.) with the other 4 colleges and universities.

I would like your comments. You may use this press release in any way you may need.

I enjoyed your "input" at the National Conference for Veterans several weeks ago.

Very truly yours,

PHILLIP M. RAMSEY.

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MONTREAT-ANDERSON COLLEGE ANNOUNCES SCHOLARSHIPS FOR VETERANS

MONTREAT, N.C.—Montreat-Anderson College has been commended by the American Association of Junior Colleges for creating a most unique college program to recruit military service veterans.

Less than a month ago, Phillip Ramsey, Montreat-Anderson College's Director of Admissions and Financial Aids, hired several veterans who are enrolled at MAC to visit veterans who may not be aware of their opportunities to attend college. Working with North Carolina Veteran Organizations and the local Employment Security Commission Offices in Asheville, North Carolina, the veterans have gained a valuable amount of experience in counseling veterans for education and employment opportunities.

"A lot of veterans are afraid to attend college," said Les Alsup, a veteran student recruiter, who admits he felt the same way when he returned from the service last year.

"I graduated with a C average from high school and thought I'd never make it in college," Alsup said, "but I found I could do quite well. The four years away from school made me value my education opportunities more."

EDUCATION BENEFITS

Montreat-Anderson College encourages veterans to not hesitate in making application to the college. Many veterans felt they received a "bad shake" in high school, some men may just be slow starters, while many other men feel they could use some special attention in getting back into the "swing" of education. For these men, MAC provides a one-semester Academic Enrichment Program. The program consists of a reduced full-time academic load, taught by a group of selected faculty who provide the student with individualized instruction while earning full college credit for all work. The emphasis of the A. E. Program is on success.

In addition to the A. E. Program, the faculty is specially organized to provide Tutorial Assistance for Veterans who request this additional help. This means a veteran can take advantage of his nine months of up to $50 per month in additional VA benefits for tutorial assistance at MAC.

SCHOLARSHIP ASSISTANCE

Since the cost of obtaining a college education has increased steadily in recent years, MAC felt it should do something significant in reducing the initial cost of a veteran's education expense. Beginning with the fall semester of 1972, the college will provide a $500 scholarship to each veteran upon his first-time admission to the college.

This grant makes the first-year room, board and tuition expense $1495 for a resident veteran and a mere $700 for a commuting or married veteran.

These grants are intended to bring the college's cost in line with the veteran's VA benefits of $175 per month for single men and $205 per month for married men.

OFF-CAMPUS "1–2" EMPLOYMENT

A very real concern for most married veterans is additional income to support his family while completing his personal education. The Veteran's Off-Campus "1–2" Employment Program is designed to provide both the married and single veteran with additional income while in pursuit of his education.

Located just minutes from the college campus are some of the most distinguished textile, woodworking, aerospace and electronic firms in the country. Under special arrangements with the college, these firms hire two veterans for one job position. For example: One veteran works from 3:00-7:00 PM, another works from 7:00-11:00 PM. Each man works four hours a day, twenty hours a week. This means in addition to VA benefits and the college scholarships, a veteran may earn up to $170 per month in taxable income within the "1–2" program.

Montreat-Anderson College is greatly indebted to Charles Erwin of the Asheville office of the Employment Security Commission for its assistance in the creation of the "1–2" program and especially for the "built-in" mutual benefits for both local industry and the veteran. Not only does the "1–2" program provide a manpower resource for industry during the fall and winter months, but because the college year ends the first week of May and resumes the 28th day of August, veterans within the program provide a trained force of men who are available for full-time employment at these same firms for up to four months during the summer.

In addition to these immediate mutual benefits, there are some long range benefits also. In recent years, industry has increasingly turned to the graduates of two year institutions for management personnel. Firms have found many of these men to possess the necessary skills and abilities to enter into their own management development programs. The Veterans "1–2" Program provides a unique opportunity for both the veteran and industry to get a good look at each other for possible future career employment.

As if the education opportunity, scholarships and employment were not enough, the college reports there are a number of privately owned residents both on and off campus available as housing for married veterans.

When Ramsey, the originator of the MAC Veteran Program, was asked why the college developed such a program, he said: "Colleges, and especially two year colleges are increasingly becoming more sensitive to the educational needs of their local communities. We on the staff of MAC were particularly aware of the needs of local veterans. The question we asked ourselves was "what should be the response of a small, private, two year institution which cherishes its tradition of church related higher education." Our response to this and other questions is our Veterans Education Program.

When asked what the college hoped to accomplish through the Veteran's Program, Ramsey responded. "We realize that we are not capable of handling all the veteran education responsibility in North Carolina or even western North Carolina for that matter. Our purpose is simply to pull our share of the load and challenge other North Carolina Colleges and Universities to create and develop similar education programs for North Carolina Veterans."

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CONSUMERS' EDUCATION

Mr. President, the higher education amendments contain an important section providing for the development of a consumer education program. I introduced this section because of the current inadequacy of Federal aid to provide consumer education.

The consumer today is confronted by a plethora of goods. We live in a society which is more affluent than any other in history. The average supermarket stocks from 8,000 to 10,000 separate products. Ten years ago, the average supermarket stocked less than 3,000 products. The marketplace has developed to an unbelievable level. The proliferation of goods and services; the variety, the quantity, the range of quality—all reflect the technology of our modern world. Given the complexity of the market, the consumer needs both protection and education.

In the past decade, the Congress has enacted a variety of measures to help protect the consumer—truth-in-packaging, truth-in-lending, and the Federal Highway Act exemplify the recent trend to provide the consumer with needed information. There is currently legislation pending to provide truth-in-advertising, detailed information on the durability of automobiles and the effectiveness of drugs.

The Federal Government now spends more than $200 million annually for the protection of consumers—$25 million in lawsuits alone.

There is no question that we need additional protection and assistance for the consumer, and this is available through the legislative process. Much has been done, but we cannot legislate everything, and we should not legislate everything. Along with the legislative effort, we must have, and personally I believe this is most critical, education of the individual to his consumer role. This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make errors, which have led to the abundance of consumer disputes in our courts.

The need for consumer education courses in addition to protection for the consumer was also highlighted in the comments of the Consumers Union on the pending legislation:

"For example, the Consumer Credit Protection Act of 1968 which has been accompanied by some educational and informational activities on the part of the Federal Reserve Board and the Federal Trade Commission has been much more effective than the Fair Packaging and Labeling Act of 1966. Admittedly, neither is panacea and, the latter is inherently the weaker piece of legislation. But the lack of any educational effort and other negative elements has resulted in minimal impact on the marketplace and consumers. The studies which have examined various local unit pricing experiments also demonstrate that the usefulness of this information is directly related to educational level or specific education on the way to use unit pricing. Usage is restricted due to ingrained habits and attitudes as well as lack of information. But where an effort to inform has been made, poor consumers as well as suburban housewives have altered their pattern of supermarket behavior to take advantage of the aid being offered."

The need for consumer education has been broadly recognized. President Nixon in his consumer message of February this year stressed the importance of consumer education. He said:

"Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on."

The President went on to direct the Secretary of Health, Education, and Welfare to—and I quote:

"Work with the nation's education system to (1) promote the establishment of consumer education as a national education concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers."

The current Federal program to assist States develop consumer education programs is however totally inadequate.

We desperately need specialized courses that deal extensively with such things as consumer purchasing of food, clothing, furniture, and appliances; the environmental effects of consumer decisions; purchasing and maintaining an automobile; apartment rental and home buying; short term consumer

credit; budgetary and money management; fraud, quackery, and deception; banking and savings; investments; life and health insurance; consumer law, and social security, medicare, and medicaid.

This bill provides for the development of such general consumer courses and the training of teachers to teach them. It authorizes $80 million over the next 3 years for that purpose.

BILINGUAL EDUCATION

Mr. CRANSTON. Mr. President, I am particularly pleased that the House-Senate conferees accepted the amendment sponsored by Senator KENNEDY and me setting a 5-percent earmark of authorizations under part C or part D of the Education Professions Development Act, specifically for the training of bilingual education teachers.

This specialized training for teachers in bilingual education is one of our greatest needs and has been one of our most significant neglects. Some 5 million children nationally could benefit from bilingual education, but these children will never be reached without the necessary bilingual personnel.

This new emphasis on the training of bilingual teachers adds a fresh dimension to Federal bilingual programs, and can work in forceful concert with services provided under title VII of ESEA, the Bilingual Education Act. According to estimates I have seen, title VII programs now allocate for teacher and teacher aide training just 15 to 25 percent. This level of allocation is totally inadequate. We cannot begin to meet the needs of Mexican American and other bilingual children until we face up to our responsibility to encourage more teachers, better trained, for bilingual programs.

I believe the amendment Senator KENNEDY and I cosponsored is a major step forward.

EDUCATIONAL RENEWAL

On February 28, the Senate adopted my amendment dealing with the controversial "educational renewal" program of the U.S. Office of Education. In the weeks that followed, my amendment—prohibiting unauthorized program consolidation and limitations on appropriations not specifically authorized by law—was the topic of lengthy, thoughtful discussions and negotiations between myself and HEW Secretary Elliot Richardson and others. The Secretary and I made much progress in our talks. My amendment, as adopted by the conferees, reflects that progress and notes the assurance given by the Secretary regarding a new status for the bilingual education program within the U.S. Office of Education.

My amendment, and the accompanying report commentary, reasserts the role of the Congress in determining Federal education policy and priorities. The intent of the provision is not to stifle innovation, but to assure that Congress and its national education constituency have a full opportunity to advise the executive branch on proposed shifts in Federal education policy and programs.

The original language of my amendment specified the organization, by statute, of the Bureau of Elementary and Secondary Education. My chief objective was to secure divisional status for the bilingual education program, title VII of ESEA. As a result of our negotiations, Secretary Richardson gave me, in writing, the following assurance:

I have made the decision to transfer the Bilingual Education Program, as a Division, from the Deputy Commissioner for Renewal to the Bureau of Elementary and Secondary Education, under the Deputy Commissioner for School Systems. It is my intention that this Division remain a separate and identifiable entity within that Bureau, and I can assure you that it will remain so during my tenure as Secretary.

In a subsequent letter, the Secretary specified that this elevated status for bilingual education would be accomplished "by the end of May."

Upon receipt of this assurance, I recommended to the conferees that the language of my amendment dealing with the Bureau of Elementary and Secondary Education be dropped, and the conferees unanimously agreed.

The language of my amendment, as adopted by the Senate, also provided statutory authority for an experimental effort in renewal and set a similar authorization for the "right to read" program. The conference report makes clear the feeling of the conferees that statutory authority for renewal should not be granted at this time, pending a cohesive legislative proposal from the Department of Health, Education, and Welfare. Legislative authority for the "right to read" program was also deleted from my amendment, but the bill provides an authorization of $12 million for the program in fiscal 1973.

I had made clear to Secretary Richardson, in the course of our conversations, that specific legislative authority for the renewal program was both needed and desirable. The conferees agreed that this authority was needed. They did not feel, however, that the renewal program warranted legislative sanction at this time, and voted to drop this language from my amendment.

In the words of the conference report:

In rejecting the Senate language providing new authority for educational renewal, we do not wish to make any judgment as to the merits of "educational renewal" at this time. However, we intend to make clear that in our view inadequate authority exists at this time to provide a legal basis for carrying out the renewal program. If the Department wishes to proceed with the Renewal concept, the Committee invites submission of appropriate legislation in order that it may be considered.

I believe the spirit of my discussions with Secretary Richardson is best characterized in this letter to me of May 6:

Your cooperation and assistance in clearing up any unintended problems created by the original language in your amendment is greatly appreciated. From our conversations I am confident that your intention is not to hobble the administration of education programs, but only to require that actions taken by the Executive Branch are fully consistent with the intent and will of Congress. You have my assurance that I will do all in my power to ensure that our agreements are adhered to in both letter and spirit.

Mr. President, I want to add a word of commendation to the distinguished chairman of the Senate Education Subcommittee (Mr. PELL). Without his devoted efforts, we would not have this far-reaching bill for higher education. Senator PELL deserves our warm thanks for the tireless, unselfish job he has done in charting a new and more promising course for American education.

Mr. PELL. I share the Senator's hope.

Mr. President, I should like to point out two typographical errors in the conference report, and make clear for the RECORD that these typographical errors should in no way alter our intention with respect to this conference report.

On page 91 of the conference report, in the proposed section 1071 of the Higher Education Act, it is stated that the Bureau of Occupational and Adult Education is to have responsibility for administration of all of title X of the Higher Education Act. The conference report fails to contain two words: "part B" before "this title." It is the intention of the conferees that the new Bureau have responsibility for occupational education, but not for junior colleges, which are intended to be administered through the Bureau of Higher Education.

In the statement of the managers concerning section 802(b) of the conference report, on page 219, the statement fails to contain the word "not," with the result that the statement reverses the intent. In addition, toward the beginning of the same sentence, the word "which" should be "with the," so that the last sentence of the statement in that paragraph should read as follows:

The conference agreement does not amend the General Education Act, but contains the language of the House amendment, with the following exception: "on the express written voluntary request of appropriate local school officials" and adds a further limitation to that exception by requiring that no funds shall be available for transportation when the time or the distance of travel is so great as to risk the health of the children or significantly impinge on the educational process and adds a further limitation that the educational opportunities available at the school to which it is proposed that such student be transported must not be substantially inferior to those offered at the school to which the student would otherwise have been assigned.

Mr. ERVIN. Mr. President, will the Senator from Rhode Island yield me 2 minutes?

Mr. PELL. I am happy to yield to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, as is so often the case where legislation deals with major questions in highly controversial areas of our national life, the legislation which the conference report, if adopted by both Houses and signed by the President, would bring into being, has many provisions which I think are excellent. It also contains many provisions which I do not like at all.

I recognize, however, that in major legislation of this nature, the ultimate result has to be, necessarily, a compromise of many different viewpoints.

Since there are 100 Senators and 435 Representatives, and legislation can

only be obtained by a majority of each body, and despite my misgivings in some respects concerning the legislation which the conference report envisages, I believe that the conference report, taken as a whole, as we must take major legislation of this kind, contains features of a wholesome nature which outweigh the features which I consider to be of an undesirable nature.

For these reasons, despite the fact that I do not approve of all the provisions in the legislation which the conference report will bring into being, I feel that it is my duty, under the circumstances, to support the conference report and, therefore, I expect to vote in favor of its adoption when that question comes before the Senate.

Mr. PELL. I thank the distinguished Senator from North Carolina for his interpolation and I am delighted at his support.

Mr. TALMADGE. Mr. President, once again the children of Georgia and the children of the South are being asked to accept the short end of the stick. Once again, the children of my State are being turned into second-class citizens in the world of education. It is ironic to me that this should occur in a time when so much is said about equality of opportunity.

The inherent unfairness of the conference report can be clearly shown by comparing the provisions contained in section 802a to those contained in section 804.

The latter section is what is left of an amendment I introduced when the Senate first considered this bill. Had it not been for this amendment, no provision at all would have been made for children who were locked in under final busing orders. Apparently, their plight had escaped the attention of the committee which reported this bill. Section 804 allows existing busing orders to be challenged if—

> The time or distance of travel is so great as to risk the health of the student or significantly infringe on his or her educational process.

The same language appears in section 802a. This section is the one which provides protection for children throughout the rest of the country who are not yet subject to final busing orders. Keeping this in mind, it is indeed significant to note that they are afforded one additional protection; namely—

> Where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned—

Now then, Mr. President, what does this language mean? It seems to me to mean that these children cannot be bused if the school to which they are being bused is worse than the school which they are leaving. This is commendable, Mr. President, and it makes good sense.

Busing should not be employed when the net result of it is to expose a child to a poorer education than the one he left behind him. Certainly, it is absurd and even criminal to spend the taxpayers' money to secure for a child an education inferior to the one he was getting before the money was spent.

What appalls me, however, and I may say even angers me is the fact that the conferees have not seen fit to extend this protection to the children of my State who are locked in under final busing orders. Apparently, it is perfectly all right to bus a Southern child to a school which is worse than the one he left. It is equally clear that such a practice is to be prohibited for children outside of the South. This would seem to me to be a perfect textbook example of calculated discrimination resulting directly from State action. I have been led to believe that this was exactly the thing the Supreme Court attacked 18 years ago in the Brown decision.

When such discrimination as this is handed to me and I am asked to swallow it on behalf of my constituents in the name of quality education, it is more than I can do. I cannot go home and face the people of my State and tell them that I succumbed without a fight to legislation which allowed their children to be bused to inferior schools, and protected children all across the Nation from the same fate.

I devotedly share the desire for educational excellence which has been expressed on other quarters of the floor today. Like any other Senator in this Chamber, I want the best that I can get for my constituents. I doubt that any Member of this Senate would stand passively aside and allow the children of his constituency to be treated in such a shabby, unfair, and discriminatory fashion. I know that I am unable to swallow this bitter dose silently in the name of lofty ideals expressed by the representatives of those who were not asked to take the same medicine.

## QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum be equally divided.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered, and 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. STAFFORD). Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW; AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; after which, that there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Rhode Island very much.

Mr. President, would the Chair notify me when I have used 8 minutes of my time?

The PRESIDING OFFICER. The Chair will be glad to do so.

Mr. STENNIS. Mr. President, I thank the Chair very much.

I commend the Senator from Rhode Island for the long, hard hours he has put in on this conference report. As always, he is a skillful legislator. I do not agree with him on many major points. However, I admire greatly his work and the skill he shows in fulfilling his responsibilities and obligations to the Senate.

Mr. PELL. Mr. President, I thank the Senator very much.

Mr. STENNIS. Mr. President, the measure before us, S. 659, covers the entire spectrum of Federal financial assistance for our public education programs at all levels. This particular measure includes amendments to, extension and additional authorizations for the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act, the Elementary and Secondary Education Act of 1965, Public Law 874, and many other programs, including some new education programs. This bill provides the authority and establishes the level of Federal

support for such programs for the next several fiscal years. If the bill is not enacted, some of the programs will not exist and others will have insufficient financial support.

The conference report before the Senate for rejection or approval is far from perfect. There are many features of the conference report, and the massive bill itself, which I do not approve, and if these particular matters were standing alone in separate bills, I could not support them. For instance, I had hoped for stronger measures to prohibit forced busing of our school children and I would much prefer approval of the House amendments relating to busing than the amendments approved by the conferees. This is a measure, an example, of one of the many flaws to which I refer.

Yesterday, I supported the motion by the Senator from Michigan (Mr. GRIFFIN) seeking to recommit the conference report to the conferees with certain instructions relating to acceptance of the House amendments against busing. Unfortunately, there was a motion to table the motion to recommit and the motion to table carried by a vote of 44 to 26. I voted against the motion to table, because I wanted the bill to be sent back to the conferees in the hope that stronger antibusing measures would prevail in the reconvened conference.

That matter is not before us now and the only question before the Senate now is whether the Senate will approve the conference report, making it possible to have an education bill this year, or whether to reject the conference report leaving the entire matter open to question. There is the chance, of course, that if the Senate approves the conference report, the House may not do so or might recommit the conference report for further consideration by the conferees.

Mr. President, if the House does take action, I believe a better bill could possibly come out of the reconvened conference. And if it does on this subject that I have mentioned, I would be glad to support it.

On balance, considering all the factors and the issue now before the Senate, I think the needs for additional Federal financial assistance for education at all levels are so great that I should support the conference report and I will so vote. I have stated, the bill is far from perfect and I am not satisfied with the conference report, but there are two basic principles included in the bill and in the conference report, to a marked degree, for which principles I have waged a continuous fight for several years. For the first time, these basic principles will have been finally included in a final legislative act if this bill is approved by the Congress.

First, I refer, of course, to the basic principles of the Stennis amendment, which I introduced 2 years ago calling for a single national policy applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of local education agencies of any State without regard to the origin or cause of such segregation.

Second, I refer to a measure of congressional control and restrictions on unnecessary and unreasonable forced busing of our schoolchildren, in all too many instances apparently solely to satisfy the whims of some social statistician that there must be some kind of racial balance established in every school of every school district in the South. For the first time, if the pending measure is enacted into law, Congress will have recognized that this is a national problem which must be solved and will have taken affirmative steps toward correcting the situation. I am disappointed that stronger action was not taken, and I still prefer such stronger action and especially recommend the amendments approved by the House on these subjects. But at least the first step has been taken, which I predict will lead to some important restrictions and actions which will offer some relief and lead to additional action later. For the first time, Congress has recognized that forced school busing without parental consent is frequently injurious and hazardous to the health and well-being of children and is subject to regulation and control by the Congress. This also takes into account the severe and often irreparable damage done to the educational processes and the education system by long miles of busing to strange areas and classrooms, severely hampering and interfering with the proper academic atmosphere for our children to learn and attain the education they must have. This action by the Congress, although it does not go as far as I would have liked, is an effective beginning and opens the door and paves the way for more complete and permanent controls against busing soon.

With reference to the Stennis amendment, I originally introduced this amendment in 1970 as an amendment to the pending Elementary and Secondary Education Act. My amendment, in its pure form, read as follows:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any state without regard to the origin or cause of such segregation.

As the Senate will recall, the debate on my amendment was extensive, complete and called the attention of the Nation for the first time to the extent of segregation in the North and West and the unreasonable double standard that had been followed by the courts, the Department of Health, Education, and Welfare and the Justice Department in forcing desegregation in the South and totally ignoring similar and frequently worse conditions of segregation in the North and West.

During the Senate debate, the courageous Senator from Connecticut (Mr. RIBICOFF) joined with me in sponsoring the amendment referring to the situation in the North as "monumental hypocrisy."

During the debate the Senate amended my original amendment to include the words "whether de jure or de facto" immediately preceding the phrase "in the schools of the local education agencies of any State without regard to the origin or cause of such segregation."

The Stennis-Ribicoff amendment was approved by the Senate by the overwhelming vote of 56 to 36.

In that year, the House bill had no similar language and when the House-Senate conferees met they scuttled the amendment completely, turned it around 180 degrees, adding language which provided that instead of one single uniform national policy, as the Senate had approved, we would have two policies, one for de jure situations, code words for segregation in the South, a theory long since outmoded and exploded, and a second policy for de facto situations, code words for segregation in the North.

Senator RIBICOFF moved to recommit the conference report for the purpose of reconsidering the Stennis amendment, but that motion to recommit failed and the conferees' version of the Stennis amendment was signed into law on April 13, 1970, as Public Law 91-230.

Last year when the Senate had before it the Emergency School Aid and Quality Integrated Education Act of 1971, the Stennis-Ribicoff amendment was offered again in the same words as previously approved by the Senate, adding only the phrase "and this title" so that it would apply to the pending bill. After considerable debate, and the Senate approved the amendment, for the second time, by a vote of 44 to 34, reaffirming its preference and support for the original wording of the Stennis-Ribicoff amendment.

When the bill reached the House, the House subcommittee approved substantially similar language, leaving out references to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Act of 1966 and also omitting the words "whether de jure or de facto." This action was approved by the full House committee and so far as I can determine, was not even discussed on the floor of the House. After passage by the House, the bill with its amendments, combined with the higher education bill, was returned to the Senate and to the Senate committee, which reported the complete bill, with the Stennis amendment in the same form as originally passed by the Senate and the complete bill was passed by the Senate in that form.

Therefore, the matter before the House-Senate conferees relating to the Stennis amendment was to work out the differences between the amendment approved by the Senate on the one hand, and the language approved by the House on the other hand. The alternatives were to add to the House amendments the additional Senate language, in whole or part, or to delete from the Senate language those words not included in the House language, in whole or part. Of course, the conferees could, in lieu of this more obvious and logical approach, adopt both amendments, leaving out of the Senate language the words "and this title." This is what the conferees did.

The language of the conference report

speaks for itself. It is clear that the Senate has approved and the House has approved and the conferees have approved a policy for the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act and the Emergency School Aid Act now pending shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

That is what the conferees have done and that language speaks for itself. For the first time, if this conference report is adopted and the bill is signed into law, we will have a uniform national policy in school desegregation matters, North, South, East, and West applied uniformly without regard to the origin or cause of such segregation. That is the Stennis amendment, pure and simple. The conferees have approved it and in fact by the rules under which the Congress operates, and especially the rules of the Senate, they could have done no less and did not.

I am aware that the statement of the floor managers, not a part of the conference report, not an effective part of any legislative history, makes the statement:

> The conference substitute's version of the Senate provision, therefore, restates the policy contained in section 2(a) of Public Law 91-230 and in no way supersedes subsection (b) of such section.

This statement of the managers on this subject is superfluous and has no standing whatever.

I am satisfied that the meaning of the amendment, as included in the conference report, is clear as a bell.

In any event, the Stennis-Ribicoff amendment has been approved by the conferees and I expect to remain constantly informed as to the steps taken by the Department of Health, Education, and Welfare, the Justice Department and other Federal agencies to make certain that this statement of congressional policy is complied with fully.

In view of all these considerations, I am going to support the conference report to S. 659 with the hope and belief that this measure is a step forward and takes real affirmative action for a national policy to get our public schools back to their proper role of educating our students without unreasonable and unnecessary outside control and interferences in matters having nothing to do with education.

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

Mr. PELL. Mr. President, I yield the Senator two additional minutes.

The PRESIDING OFFICER. The Senator is recognized for two additional minutes.

Mr. STENNIS. Mr. President, I have conferred at length by telephone with my colleague, the Senator from Mississippi, who is unavoidably detained from the Chamber today. He authorizes me to say for him that on the points I have enumerated here, and for the reasons given, if he were here he would vote for the passage of this conference report under these circumstances with the same hope for future consideration on the matter of forced busing.

Mr. PELL. I thank the Senator.

Mr. STENNIS. I thank the Senator and those Senators who worked on this bill.

Mr. PELL. Mr. President, I thank the Senator from Mississippi for his words and for passing on the sentiments of his senior colleague from Mississippi. I express my deep appreciation to both of them for supporting the conference report.

Mr. STENNIS. I thank the Senator.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GAMBRELL. I thank the Senator from New York for yielding to me.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GAMBRELL. Mr. President, by unanimous consent a vote has been scheduled this afternoon on the conference report on the higher education bill. I supported the bill when it originally passed the Senate, and still support its principal components, exclusive of the provisions dealing with forced school busing. With reference to the busing provisions of the legislation, my position is quite clear from the debates which have occurred in the past on this subject. I am opposed to school busing as is being required by Federal court and HEW Department orders at the present time. I am particularly opposed to discriminatory desegregation enforcement as is being applied in Southern States, when no such enforcement is being applied in other parts of the country.

Legislation which I have offered would work toward equalized educational opportunities, as well as equalized desegregation enforcement throughout the country. It is obvious that the dictates of current political expediency are opposed to any such high-minded objectives.

The provisions of the conference report in respect to forced school busing are a compromise which smells to high heaven. It is an unwise program arrived at by the unwilling, to be imposed on the unrepresented. I put the blame for this fiasco at the door of the White House. Instead of providing positive leadership toward equal education opportunities, and a fair solution of the busing question, President Nixon has proposed a plan which is neither fish nor fowl, and as might have been expected, has attracted no support.

The provisions of the present legislation are ambiguous. We have little indication as to what it means, or to whom it might apply. Whatever antibusing relief it contains is temporary and what is most repugnant about the proposal is that it discriminates agianst those most deserving of relief. Forced busing will continue to be rigidly applied to those who have suffered with it the longest, and those who have tried to voluntarily comply with the patchwork orders of Federal district courts and the Department of Health, Education, and Welfare. In my view, it is such school systems which ought to be the first to receive relief from compulsion.

About the only thing which can be said for the present proposal is that it gives temporary relief to some, and provides an opportunity for Federal financing of court ordered busing. To me, this is like mitigating a hanging by furnishing an elastic rope.

What bothers me most is the possibility that this compromise will paint over the sores of the busing controversy, and leave it to erupt again in a year when the American people will have no opportunity to forcefully express themselves on the subject. In my opinion, this is the year to solve the matter, and to give the American public an opportunity to speak for equal education opportunities while expressing their resentment over bureaucratic abuse which lies at the heart of the busing controversy.

In view of the sentiments which I have expressed here I have decided to vote against approval of the conference report. This is not a vote against the higher education bill. It is not a vote against the emergency school assistance program. I have voted for both of these bills when presented separately, although each has some defects that concern me.

Also, I do not relish or approve of the practice of holding legislation "hostage," in order to piggyback legislation in which I am interested. Unfortunately, this tactic has been made necessary by the stubborn and intolerant refusal of the Senate leadership, and the refusal of the Education Committees of both Houses, to make any effort to represent the will of the people on the busing issue.

Finally, I regret to say that the people's wishes on this matter have come more nearly to being recognized, as more busing has been required in areas of the country outside the South. What was once detached support for busing has changed to frenzied and desperate maneuvers in search of compromise. Maybe another court order or two, or a little even-handed enforcement by the Nixon administration, will bring this issue to a point where it can be fairly and decisively disposed of. I reject any half-measures. Let us get on with a final solution.

I yield the floor.

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

The PRESIDING OFFICER. The Chair will inform the Senator from Rhode Island that he has insufficient time. He would have to suggest the absence of a quorum on the time of the Senator from New York.

Mr. PELL. Insufficient time?

The PRESIDING OFFICER. For a quorum call.

Mr. PELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. PELL. How much time does the Senator from New York have?

The PRESIDING OFFICER. Fifty-two minutes.

Mr. PELL. I ask unanimous consent that the time for the quorum call be taken out of the Senator from New York's time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. JAVITS. Mr. President, I yield the Senator from Minnesota 10 minutes.

Mr. MONDALE. I thank the distinguished Senator from New York.

Mr. President, I approach this vote on the conference report for the Education Amendments of 1971 with mixed and troubled emotions.

I am proud of this bill, which represents years of hard work by myself and other members of the Education Subcommittee under the dedicated chairmanship of the distinguished Senator from Rhode Island (Mr. PELL), weeks of consideration by the Senate and the House, and 2 months of conference to resolve differences between the House and Senate bills.

The conference report establishes a new program of basic educational opportunity grants, a new commitment that no qualified American student should be denied the resources to attend an institution of higher education.

It contains a desperately needed program of aid to institutions of higher education, to help them meet the soaring costs of postsecondary education, which cannot be met through tuition alone.

It contains the Emergency School Aid Act, a $2 billion program to assist school districts desegregating as a matter of local choice or under legal requirement in providing integrated education of high quality to all students.

It contains the Indian Education Act, sponsored by Senator KENNEDY and myself, which passed the Senate unanimously last October, a measure which, if adequately funded, should go far toward assuring real educational opportunities for the 70 percent of Indian children attending public schools.

Just this one measure alone, embodying many of the fundamental recommendations of the Special Subcommittee on Indian Education originally chaired by the late Senator Robert Kennedy, is of fundamental importance.

In addition, the conference report provides for the establishment of a National Institute of Education, modeled on the National Institutes for Health, to provide the coordinated educational research and development activity now so clearly lacking—which includes a much needed initiative for innovative and creativity in higher education.

Mr. President, this as well is a long overdue and fundamental reform. Serving, as I have for nearly 2 years, as chairman of the Select Committee on Equal Educational Opportunity, I am appalled by the amount we yet need to learn about the best way to educate the children of our country, and particularly about bringing equality of educational opportunity to millions of what I call "cheated children" in America, who are denied the minimum ingredients for a hopeful life, including a decent education.

Hopefully, the National Institute will, for the first time, undertake a broad, thoroughgoing, highly sophisticated, and ongoing series of research and demonstration projects to determine how best to meet this compelling and heartbreaking problem in this country.

This measure also provides for expanding existing programs of assistance to postsecondary education, for protection against discrimination on the basis of sex in educational programs, for a National Student Loan Marketing Association to support the guaranteed student loan program. It provides for the first time for ethnic heritage studies centers in local communities and for still other programs.

Ethnic heritage studies centers are a long overdue proposal to fund studies in the history and cultural tradition of American ethnic groups. There is a great deal of interest in this program. In Minnesota, for example, representatives from the Iron Range would like to establish an ethnic heritage center there, and undertake, while there is still time and while many of the oldtimers are still around, a basic study of the ethnic heritage of the people of that remarkable area of my State. And many other areas of my State see great promise in the ethnic heritage center studies program as well.

This is perhaps the single most important education bill ever before the Congress. Preparation of the legislation contained in this conference report has occupied much of my time for the past 2 years. And the Senator from Rhode Island (Mr. PELL), along with all other members of the committee, are to be deeply commended for the landmark legislation that has been reported from the conference.

The Senator from Rhode Island (Mr. PELL), above all, has spent hundreds of hours listening to the best minds in this country, listening to teachers, parents, professors, and other persons interested in education, and is most responsible for the remarkable and revolutionary measure which now is before the Senate in the form of a conference report.

But, to my great sorrow, I am unable to support this report which contains so much that is innovative and badly needed.

The higher education bill left the House encumbered with three amendments designed to cripple the capacity of Federal courts and agencies to remedy racially discriminatory school segregation under the Constitution and title VI of the Civil Rights Act of 1964.

These amendments would have prohibited use of Federal funds to support desegregation-related transportion, forcing financial hardship on numerous school districts undertaking added transportation under court order or title VI plan.

These amendments would have prohibited the Departments of Health, Education, and Welfare and Justice from encouraging or requiring any transportation to achieve desegregation, effectively barring Civil Rights Act enforcement in many cases.

And they would have required exhaustion of appeals before implementation of any court order involving either transfer or transportation of students.

The Senate responded with the so-called "Scott-Mansfield compromise," which effectively nullified the worst features of the House amendments, permitting funding for transportation or voluntary request of local officials, permitting continued law enforcement under the Supreme Court's guidelines for transportation, and staying orders pending appeal only in multidistrict cases, a developing area of the law where further clarification through judicial review is needed, and where courts themselves have shown willingness to stay orders pending appeal.

The conference has substantially improved the original House provisions. Funds will be available to support transportation, and law enforcement can continue under reasonable guidelines. But the conference report retains the so-called House "Broomfield" amendment, relating to exhaustion of appeals, through January 1, 1974. This provision would represent the first congressional retreat from the national commitment to nondiscrimination in public education embodied in the Civil Rights Act of 1964.

The amendment, in my opinion, is badly drafted, and it may well be found to have no legal effect. But the intention of its principle sponsor seems clear enough. The provision is designed to postpone all orders, in all cases—however simple—involving either the transfer or transportation of children to achieve desegregation. All desegregation—even straightening a "gerrymandered" school zone line—requires "transfer" of students from one school to another. And a clever lawyer can keep the average case on appeal for years.

If the intention of its sponsor is given effect, the Broomfield amendment will halt 14th amendment enforcement in its tracks for up to 18 months—6 months longer than President Nixon's proposed moratorium.

I cannot support this provision, for two reasons. First, I believe the Broomfield amendment is unconstitutional. Its provisions for extensive delay in the simplest cases contravene the Supreme Court's rulings in *Alexander* v. *Holmes* 269 U.S. 19 (1969), and *Carter* v. *West Feliciana Parish*, 396 U.S. 226 (1970), where the Court ordered immediate implementation of plans pending appeal.

> Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Second, I believe the Broomfield amendment's vain and unconstitutional attempt to halt all desegregation tragi-

cally distracts attention from the legitimate concerns of parents of all racial and ethnic backgrounds.

We cannot address these real concerns—the concern of minority group parents that their children will be victims of further discrimination within "desegregated" schools, the concerns of all parents that their children not be transferred to bad schools—while we debate futile legislative efforts to roll back the clock, to suspend the Constitution in hopes that the problem will disappear.

Perhaps the Broomfield amendment is "the best we can do" in this Congress. But I cannot bring myself to support this provision which pits Congress against the courts in an unconstitutional effort to sanction continued maintenance of officially imposed school segregation for an additional 18 months.

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

Mr. JAVITS. I yield the Senator 2 additional minutes.

Mr. MONDALE. Mr. President, I think most of us would agree that if someone offered us a bargain—to reduce our freedom of speech, our right to assemble, or our right to practice our religion in exchange for another 10 miles of super highways—we would all say, "we cannot exchange our freedoms for such considerations." The freedoms found in the Constitution, the freedoms fundamental to American life, are in a real sense noncompromisable. They are on a different level, a different plateau, and bear a different value from other disputes.

I do not think we can compromise the basic human rights even for a magnificent program of higher education such as that embodied here. Therefore, in sorrow, and not in anger, I cannot support the conference report.

Mr. President, I ask unanimous consent that a memorandum entitled "The Constitutionality of the Nixon Administration's Proposed Student Transportation Moratorium Bill," prepared by Richard T. Seymour and Lewis D. Sargentich for the Washington Research Project Action Council, be printed in the RECORD at the conclusion of my remarks. This memorandum, which discusses the constitutionality of the administration's proposed student transportation moratorium, also demonstrates the very doubtful constitutionality of the so-called Broomfield amendment.

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

(See exhibit 1.)

Mr. MONDALE. Mr. President, I close by professing my profound admiration for the gifted, creative and dedicated work by the chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), the Senator from Colorado (Mr. DOMINICK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and many others who worked so hard for all these years to develop one of the most impressive and creative educational proposals ever to reach this stage of the legislative process in the history of the U.S. Congress.

EXHIBIT 1

THE CONSTITUTIONALITY OF THE NIXON ADMINISTRATION'S PROPOSED STUDENT TRANSPORTATION MORATORIUM BILL

(By Richard T. Seymour and Lewis D. Sargentich)

*Introduction and Contents*

This memorandum discusses the proposed student transportation moratorium bill from the standpoint of the ordinary principles of Constitutional law by which the courts have traditionally passed upon the validity of legislation. Other memoranda, parts of which are still in preparation, will discuss other issues.

The questions which this memorandum seeks to answer are four:

1) Can Congress lawfully suspend the right to an integrated education while it deliberates on the second Nixon bill? See page 2.

2) Is the proposed legislation unlawfully overbroad—*i.e.*, so completely unrelated to the evils it claims to redress that it violates the Constitution, even though other, narrower legislation having a closer relationship to these evils would be upheld by the courts? See page 6.

3) Does this legislation's difference in treatment between school districts desiring to remain segregated (which are spared the need to integrate) and school districts desiring to comply with the Constitution (which can) violate the Constitution by making the enjoyment of a constitutional right turn upon a purely arbitrary decision by each school district? See page 10.

4) Does the proposed moratorium violate a 57-year string of constitutional decisions of the Supreme Court by freezing into place a segregated status quo? See page 13.

Some of the discussions on these points is as relevant to the proposed Equal Educational Opportunities bill as to the transportation moratorium bill.

I. THE CONSTITUTIONAL RIGHT TO AN INTEGRATED EDUCATION CANNOT BE SUSPENDED WHILE CONGRESS DELIBERATES

The bill seeks to suspend for a year the power of Federal courts to order any meaningful remedies[1] in dealing with *de jure* segregated schools. This is ostensibly so that Congress will have the necessary time to deliberate about the problem of school segregation and come up with appropriate remedies. The problem is that constitutional rights can no longer lawfully be suspended while a legislature contemplates means of dealing with a problem. When the Supreme Court handed down the second *Brown* decision in 1955, 349 U.S. 294, it authorized a departure from the normal rule that deprivations of constitutional rights should be remedied immediately and totally, and allowed limited delays in achieving complete desegregation if a school board could "establish that such time is necessary in the public interest" and was consistent with full compliance. 349 U.S. at 300.

As early as 1964, the Supreme Court announced that the period in which these rights could be suspended had come to an end:

"The time for mere "deliberate speed" has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia." *Griffin v. County School Board of Prince Edward County*, 377 U.S. 218, 234 (1964).

The Court reiterated this point the next year. In *Bradley v. School Board of the City of Richmond*, 382 U.S. 103, 105 (1965), it stated, "Delays in desegregating school systems are no longer tolerable." Three years later, the Supreme Court again held that these rights could no longer be suspended:

"The burden on a school board today is to come forward with a plan that promises to work, and promises realistically to work *now*." *Green v. County School Board of New Kent County*, 391 U.S. 430, 439 (1968). *Accord, United States v. Montgomery County Board of Education*, 395 U.S. 225, 235 (1969).

In October, 1969, the Supreme Court again held that the constitutional right to an integrated education could no longer be delayed, but had to be enforced fully and immediately:

"The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19, 20 (1969).

A month and three days later, the Fifth Circuit Court of Appeals authorized a one-semester delay in the full integration of the student body in a number of school districts, although it ordered the complete and immediate integration of faculty, staff, etc. *Singleton* v. *Jackson Municipal Separate School District*, 419 F. 2d 1211 (1969). Under the name of *Carter* v. *West Feliciana Parish School Board*, 396 U.S. 290 (1970), the Supreme Court reversed the *Singleton* decision six weeks after it was entered. Justices Harlan and White, in a concurring opinion, stated that they understood *Alexander* to require that, upon a *prima facie* showing of continued segregation, . . . "plaintiffs may apply for immediate relief that will at once extirpate any lingering vestiges of a constitutionally prohibited dual school system.

* * * * *

"*Alexander* makes clear that any order so aproved should thereafter be implemented in the minimum time necessary for accomplishing whatever physical steps are required to permit transfers of students and personnel or other changes that may be necessary to effectuate the required relief." 396 U.S. at 292, 293.

Referring to two other cases, Justices Harlan and White continued:

". . . this would lead to the conclusion that in no event should the time from the finding of noncompliance with the requirements of the *Green* case to the time of the actual operative effect of the relief, including the time for judicial approval and review, exceed a period of approximately eight weeks. This, I think, is indeed the "maximum" timetable established by the Court today for cases of this kind." 396 U.S. at 293.

Justices Black, Douglas, Brennan and Marshall expressly disagreed with the conclusion of Justices Harlan and White that an eight weeks' delay in full integration would be permissible:

". . . those views retreat from our holding in Alexander v. Holmes County Board of Education, 396 U.S., at 20, 90 S.Ct., at 29, that 'the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.' " *Id.*

Footnotes at end of article.

In the unanimous decision in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 91 S. Ct. 1267, 1275 (1971), Chief Justice Burger quoted the language of *Green* appearing above, and continued:

"This was plain language, yet the 1969 Term of Court brought fresh evidence of the dilatory tactics of many school authorities. Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L.Ed.2d 19, restated the basic obligation asserted in Griffin v. County School Board, 377 U.S. 218, 234, 84 S.Ct. 1226, 1234, 12 L.Ed.2d 256 (1964), and *Green, supra*, that the remedy must be implemented *forthwith*."

The moratorium bill provides for a year's delay in all new court orders requiring any additional or any different student transportation, and affects equally every school district in the country whether it be a rural, two-school district with a total of 120 students or a large metropolitan district such as Richmond. Independently of the constitutional issues of overbreath discussed in the succeeding section, the moratorium bill violates the strong policy, to which the courts have time and again addressed themselves, for closely tailoring the remedy in a school desegregation case to the particular problems and needs of particular school districts.[2]

Under the last eight years of controlling decisions, the delay sought by this bill is in clear conflict with the Constitution, a conflict that appears in even starker relief by the stay's lack of relation to any consideration of differing degrees of administrative burden and of differing types of court orders in differing kinds of school districts.

II. THE PROPOSED BILL IS UNCONSTITUTIONALLY OVERBROAD

The student transportation moratorium bill is purportedly directed at the physical and educational harm to children caused by excessive busing. If the legislation were closely linked to the prevention of such harm, it could well be upheld by the courts. The Nixon proposals, however, are a blunderbuss approach that reach all student transportation and have not the remotest links to the degree of harm present in any particular situation.

The articulation of the purported goals of this legislation in the "findings" of Section 2 cannot save the legislation if it is otherwise overbroad. Since this bill affects fundamental rights, the constitutional standard by which it must be judged is that enunciated in *Bates* v. *City of Little Rock*, 361 U.S. 516, 525 (1960):

"But governmental action does not automatically become reasonably related to the achievement of a legitimate and substantial governmental purpose by mere assertion in the preamble of an ordinance. When it is shown that state action threatens significantly to impinge upon constitutionally protected freedom it becomes the duty of this Court to determine whether the action bears a reasonable relationship to the achievement of the governmental purpose asserted as its justification."

And again, in *Shelton v. Tucker*, 364 U.S. 479, 488 (1960) (footnotes omitted):

"In a series of decisions this Court has held that, even though the governmental purpose be legitimate and substantial, the purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic purpose."

"In *N.A.A.C.P. v. Button*, 371 U.S. 415, 438 (1963), the Court stated:

Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms."

Footnotes at end of article.

And yet again, in *United States v. Robel*, 389 U.S. 258, 265 (1967):

"When Congress' exercise of one of its enumerated powers clashes with those individual liberties protected by the Bill of Rights, it is our delicate and difficult task to determine whether the resulting restriction on freedom can be tolerated."

There, the statute was invalid because Congress could have used "less drastic" means of achieving a valid legislative goal. 389 U.S. at 268. Similarly, in *Dean Milk Co. v. City of Madison, Wisconsin*, 340 U.S. 349, 354 (1951), the Court struck down an overbroad milk inspection ordinance, since reasonable alternatives", having a lesser impact on interstate commerce, were available.

As recently as March 21, the Court reaffirmed these principles in invalidating Tennessee's durational residency requirement for voting:

"It is not sufficient for the State to show that durational residence requirements further a very substantial state interest. In pursuing that important interest, the State cannot choose means which unnecessarily burden or restrict constitutionally protected activity. Statutes affecting constitutional rights must be drawn with 'precision,' *NAACP v. Button* 371 U.S. 419, 438 (1963); *United States v. Robel*, 389 U.S. 258, 265 (1967), and must be 'tailored' to serve their legitimate objectives. *Shapiro v. Thompson, supra*, 394 U.S., at 631. And if there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose 'less drastic means.' *Shelton v. Tucker*, 364 U.S. 479, 488 (1960)." *Dunn v. Blumstein*, 40 U.S. Law Week 4269, 4273 (March 21, 1972).

How fare the Nixon proposals under these standards? Very poorly. For example:

1. School District A, which has never made any efforts to desegregate but which could be completely integrated by a paring or other plan that would require some busing. Even if no student would have to ride for more than ten minutes, the Administration bill would prohibit the court from issuing the order.

2. School District B, which has been attempting to comply with *Brown v. Board of Education* for years, but which has so far been given a bit more lenience by the local Federal district court than the law allows. It has just one final step to take in order to be in full compliance but this step involves a restructuring of the existing student transportation. Fewer students will be bused and the average ride will be shorter, but the new plan involves busing some students not now being bused. Others now being bused would no longer be bused under the new plan. The Administration bill prohibits a court from ordering the final step, even if the court found that the new plan would be *better* for the health and well-being of the children involved than the existing plan.

3. School District C, run by segregationist diehards, has only two schools, a block from each other. Since it's a rural district, it has always had a fair amount of busing. But it has never allowed black children to ride on the same school bus with whites and, even though all whites needing transportation are bused, a fair number of black children are forced to walk miles to school each day, while they're passed by half-empty "white" school buses. The Nixon bill would prohibit a court from ordering the school district to pick up these black children.

4. School District D, which is operating under a final desegregation plan involving some busing, finds that a new black family has moved into the district. Under the Nixon bill, it could refuse to pick up the new black family's children pursuant to the *existing* plan, and a United States court would be powerless to do anything about it.

5. School District E, operating under a plan that allows students to transfer from a school in which their race is a majority to one in which their race is in a minority, refuses to allow such majority-to-minority transfers after the effective date of the Nixon bill. Even if a student trying to volunteer to transfer was already being bused, the Nixon bill deprives the Federal court of the power to order compliance with the existing transfer provision. The proposed legislation does nothing to prohibit "harmful" levels of busing in existing orders—assuming that such levels have ever been ordered. Nor does the legislation forbid a school board to volunteer a plan that would require such "harmful" levels of busing. It does prevent a student from volunteering to be bused in order to enjoy an integrated education.

The legislation under consideration, then, forbids far more desegregation than its announced purposes require, and leaves intact some of the claimed evils it purports to redress. It has the same constitutional infirmities as the Tennessee voter residency statute struck down March 21:

"Similarily, the durational residence requirements in this case founder because of their crudeness as a device for achieving the articulated state goal of assuring the knowledgeable exercise of the franchise. The classifications created by durational residence requirements obviously permit any long-time resident to vote regardless of his knowledge of the issues—and obviously many long-time residents do not have any. On the other hand, the classifications bar from the franchise many other, admittedly new, residents who have become minimally, and often fully, informed about the issues." *Dunn v. Blumstein*, 40 U.S. Law Week 4269, 4278.

There is little room for doubt that the Administration transportation moratorium bill falls fatally short of "the exacting standard of precision we require of statutes affecting constitutional rights", *Dunn, supra* at 4279.

III. THE EXCEPTION FOR SCHOOL DISTRICTS VOLUNTEERING TO OBEY THE CONSTITUTION IS AN UNCONSTITUTIONAL LEGISLATIVE CLASSIFICATION MAKING THE AVAILABILITY OF A CONSTITUTIONAL RIGHT TURN UPON A PURELY ARBITRARY DECISION BY EACH SCHOOL DISTRICT

Section 3(c) of the student transportation moratorium bill allows a school district to make a free-will offering to the Founding Fathers. Section 405 of the Equal Educational Opportunities bill has an identical provision. If a school district *wants* to desegregate, by means involving additional or different busing, the Administration bills will not block its way. A prohibition of a school district's voluntary obedience to the Constitution would be even more glaringly unconstitutional,[3] but the effort to evade this problem chosen by the drafters runs afoul of perhaps the two most frequently enforced constitutional principles: that legislative classifications affecting fundamental rights have some compelling basis, *Bates v. City of Little Rock*, 361 U.S. 516, 524 (1960),[4] and that the enjoyment of constitutional rights cannot be made to turn upon arbitrary decisions.

The Supreme Court most recently articulated the standards it uses in evaluating such classifications under the Equal Protection Clause[5] in *Dunn v. Blumstein*, 40 U.S. Law Week 4269 (March 21, 1972). Discussing Tennessee's durational residence requirements for voting, which the court held to be unconstitutional, the decision stated:

"Durational residence laws penalize those persons who have traveled from one place to another to establish a new residence during the qualifying period. Such laws divide residents into two classes, old residents and new residents, and discriminate against the latter to the extent of totally denying them

the opportunity to vote. The constitutional question presented is whether the Equal Protection Clause of the Fourteenth Amendment permits a State to discriminate in this way among its citizens.

"To decide whether a law violates the Equal Protection Clause, we look, in essence, to three things: the character of the classification in question; the individual interests affected by the classification; and the governmental interests asserted in support of the classification." 40 U.S. Law Week at 4271 (footnote omitted).

This proposed legislation seeks to divide all black school children into two classes: those attending school in school districts which wish to obey the Constitution, and those attending school in districts that prefer to continue each of the remaining vestiges of discrimination, the elimination of which would require some degree of student transportation. The consequence of what district a black child attends is severe: in the first, he will obtain full and immediate enjoyment of his constitutional rights; in the second, his rights will be suspended for a year or, perhaps, be lost altogether.

The only difference that accounts for such a total disparity in the enjoyment of a constitutional right is the choice of the school board. The proposed legislation establishes no standards for a school board to follow in deciding how to exercise its choice: *a decision based upon whim or caprice, or based upon the sentiment that black children are inherently inferior, is fully acceptable under the Nixon plan.* The children in both types of school systems are equally entitled to redress, and any legislative scheme that conditions the enjoyment of constitutional rights on so unprincipled a pivot must fall. The language of the Court in *Yick Wo v. Hopkins*, 118 U.S. 356, 366–367 (1886) is telling:

"We are consequently constrained, at the outset, to differ from the supreme court of California upon the real meaning of the ordinances in question. That court considered these ordinances as vesting in the board of supervisors a not unusual discretion in granting or withholding their assent to the use of wooden buildings as laundries, to be exercised in reference to the circumstances of each case, with a view to the protection of the public against the dangers of fire. We are not able to concur in that interpretation of the power conferred upon the supervisors. There is nothing in the ordinances which points to such a regulation of the business of keeping and conducting laundries. They seem intended to confer, and actually do confer, not a discretion to be exercised upon a consideration of the circumstances of each case, but a naked and arbitrary power to give or withhold consent. . . . [If a mandamus action were brought against supervisors who had arbitrarily withheld their consent,] it would be a sufficient answer for them to say that the law had conferred upon them authority to withhold their assent, without reason and without responsibility. The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint."

And, at 369–70:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power." *Accord, e.g.; Gulf, C.&S. F. Ry. Co. v. Ellis*, 165 U.S. 150, 155, 159–60 (1897); *McLaughlin v. Florida*, 379 U.S. 184, 190–91 (1964).

The conclusion of the Supreme Court in striking down the San Francisco ordinance serves as well to indict the "free will" classification of the two Administration bills:

". . . [I]n the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

IV. THE BILL WOULD FREEZE INTO PLACE A SEGREGATED STATUS QUO

The justification for the transportation moratorium bill rests in large part upon the purported finding that it is necessary to freeze the power of the courts to order any school desegregation remedies involving new busing, in order to preserve the status quo while Congress deliberates on the problem of school desegregation and the provision of remedies therefor.

The constitutional flaw in this approach is that it is a segregated status which would be frozen into place over the next year. Supreme Court decisions in both the voting and the school areas have held that any action which results in this kind of "freeze" of discrimination[6] is unlawful. In *Guinn* v. *United States*, 238 U.S. 347 (1915), the Supreme Court invalidated Oklahoma's "grandfather clause", which had attempted to evade the Fifteenth Amendment's prohibition of voting discrimination by limiting voting eligibility to those who were qualified to vote under Oklahoma law just prior to the adoption of the Fifteenth Amendment, and to their lineal descendants. This legislation "froze" the prior discrimination in place, and was therefore struck down. Twenty-four years later, the Court faced a second attempt by Oklahoma to freeze the status quo of past discrimination by preserving for their lifetimes the voting privileges enjoyed by white citizens prior to the *Guinn* decision, while imposing new and onerous registration requirements on all persons who had not previously been voters. The Oklahoma statute was struck down. *Lane* v. *Wilson*, 307 U.S. 268, 276 (1939) (Frankfurter, J.). And in 1965, the Supreme Court held that Louisiana could be enjoined from enforcing a new voter-qualification test for new registrants, even though no attack was made on the constitutionality of the new test, because it was more onerous than prior standards and because it did not apply to voters who had previously registered. Since the previous registrants were white, the Court held that this statute would freeze the status quo of past discrimination, and that it could not be enforced. *Louisiana* v. *United States*, 380 U.S. 145, 154–56 (1965).

In addition, the Court held in *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969), that the process of staying the implementation of a plan providing for full desegregation froze the status quo of past discrimination, even if for only a short period, and that school districts were constitutionally required to desegregate first, and litigate later. And less than a year ago, the Court again held that each formerly dual school system must eliminate racial discrimination "root and branch":

"In this remedial process, steps will almost invariably require that students be assigned "differently because of their race." See Swann v. Charlotte-Mecklenburg Board of Education, No. 281, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d —; Youngblood v. Board of Public Instruction, 430 F. 2d 625, 630 (C.A. 5, 1970). *Any other approach would freeze the status quo that is the very target of all desegregation processes." McDaniel* v. *Barresi*, 402 U.S. 39 (1971) (emphasis supplied).

Under this unbroken, 57-year string of Supreme Court decisions, it is clear that any governmental action freezing the status quo of prior discrimination, even if the freeze be only temporary as in *Alexander* and *Carter*, violates the Constitution.

FOOTNOTES

[1] Virtually every meaningful remedy for segregated schools—pairing, zoning, educational parks, etc.—necessarily involve some degree of student transportation. And the vast majority of school districts, which have traditionally used some degree of student transportation for reasons unrelated to desegregation, cannot possibly have any level of desegregation that does not involve some change in transportation. A prohibition of student transportation, therefore, strikes at the jugular vein of school desegregation and makes any meaningful remedy impossible.

The proposed bill not only prohibits the transportation of any child who was not being transported prior to its effective date, but also prohibits assigning to a different school any child who is presently being transported for any reason. The bill thus immunizes from new pupil assignment orders more than 40% of the students in the country—those who have to take a school bus in order to get to school anyway.

[2] This policy was expressed most clearly in the second *Brown* decision, 349 U.S. 294, 299–30 (1955) (footnotes omitted):

"Full implementation of these constitutional principles may require solution of varied local school programs. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954 decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

In *Green* v. *County School Board of New Kent County*, 391 U.S. 430, 439, the Court stated:

"The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness."

In *Montgomery County*, 395 U.S. at 235, the Court again stated its adherence to the policy

that "in this field the way must always be left open for experimentation." The courts deciding remedial questions are to be: "Local courts so far as practicable, those courts to be guided by traditional equitable flexibility to shape remedies in order to adjust and reconcile public and private needs." 395 U.S. at 227.

This policy was strongly endorsed by Chief Justice Burger in *Swann*, 91 S. Ct. at 1276:

"If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked. Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.

"The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument for nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims." Hecht Co. v. Bowles, 321 U.S. 321, 329-330, 64 S. Ct. 587, 592, 88 L. Ed. 754 (1944), cited in *Brown II, supra*, 349 U.S. at 300, 75 S. Ct. at 756."

[3] *North Carolina State Board of Education* v. *Swann*, 91 S.Ct. 1284 (1971).

[4] This is especially true where, as here, the legislation gives local school districts the option to maintain their classification of students based on race. A long line of Supreme Court decisions have held such classifications to be inherently "constitutionally suspect", and subject to the "most rigid scrutiny". *E.g., McLaughlin* v. *Florida*, 379 U.S. 184, 192 (1964); *Bolling* v. *Sharpe*, 347 U.S. 497, 499 (1954); *Korematsu* v. *United States*, 323 U.S. 214, 216 (1944); *Anderson* v. *Martin*, 375 U.S. 399 (1964); *Watson* v. *City of Memphis*, 373 U.S. 526 (1963).

[5] The due process clause of the Fifth Amendment is coextensive with the Equal Protection Clause of the Fourteenth Amendment in the area of school desegregation. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954).

[6] The Fifth Circuit explained the concept of freezing the status quo of discrimination in the *United States* v. *Duke*, 332 F.2d 759, 768-69 (1964):

"While theoretically applicable to all, these new requirements primarily affect those who bore the brunt of previous discriminations and tend to maintain the position of advantage which one class has already obtained over the other. . . .

"It may be said that when illegal discrimination or other practices have worked inequality on a class of citizens and the court puts an end to such a practice but a new and more onerous standard is adopted before the disadvantaged class may enjoy their rights, already fully enjoyed by the rest of the citizens this amounts to "freezing" the privileged status for those who acquired it during the period of discrimination, and "freezing out" the group discriminated against."

The three-judge court in *United States* v. *Louisiana*, 225 F.Supp. 353, 393 (E.D. La., 1963), *affirmed*, 380 U.S. 145 (1965), stated:

"A court of equity is not powerless to eradicate the effects of former discrimination. If it were, the State could seal into permanent existence the injustices of the past."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. MONDALE. Mr. President, will the Senator yield me 2 minutes.

Mr. PELL. I yield.

Mr. MONDALE. I thank the Senator. For the purpose of legislative history, I would like to ask the manager of the conference report, the distinguished Senator from Rhode Island, about the intent of section 961 in the conference report. Am I correct that this section, which reflects a similar provision in the Senate bill, is specifically designed to authorize the Department of Health, Education, and Welfare to assume the administration of the highly successful CLEO program which, in 3 years, has assisted approximately 1,000 students from disadvantaged background in gaining admittance to law school?

Mr. PELL. The Senator is correct. The CLEO program is currently being jointly funded and administered by OEO and HEW through the Council on Legal Education Opportunity. The transfer to HEW, which this section will provide, is supported by the administration.

Mr. MONDALE. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be taken out of the time of the Senator from New York.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from Louisiana (Mr. LONG).

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

FORCED BUSING

Mr. LONG. Mr. President, a national newspaper, the National Enquirer, recently devoted nearly three full pages of space in three separate issues to the question of school busing. I am on record as opposing the forced busing of children to achieve racial balancing and very much in favor of a constitutional amendment to prevent this injustice.

The National Enquirer ran both sides of the issue. A letter written by my distinguished colleague, Senator GEORGE MCGOVERN, was in favor of school busing. The newspaper asked me to present my views and our letters ran side by side.

In addition, other issues of the National Enquirer presented the views of two Members of the House of Representatives and two prominent educators on this question. A ballot was printed in each issue, asking the readers to express their sentiments.

Mr. President the first result of this nationwide poll is overwhelmingly against school busing. After a third weekly tally of ballots, the total of 11,270 received by the newspaper through May 5 shows that 98.4 percent registered a protest against forced busing of little children to achieve racial balancing of our public schools.

A total of 11,094 were against busing, with only 176 in favor of it. That is an astounding ratio of more than 73 to 1 against busing.

Mr. President, I might point out that the National Enquirer took no sides on the question, but rather presented the pro and con statements to help its readers form an opinion.

I would like to commend the National Enquirer for its efforts and its interest in how readers feel about such issues. This kind of journalistic curiosity is a credit to the Fourth Estate and certainly a help to this Congress. The huge national circulation of this publication—over 3,200,000—and its distribution through supermarkets and other places handy to everyone provide a good barometer of public opinion against forced school busing.

I ask unanimous consent that the excerpt from the April 23, 1972, issue of the National Enquirer be printed in the RECORD.

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

ENQUIRER READER POLL ON FORCED SCHOOL BUSING

This is another Enquirer opinion poll. We believe your opinion is important and that you should have an opportunity to express your views on the vital issues of the day. We take no side on these issues, but we do provide space for expert opinions both for and against every question. And we also present, impartially, a brief summary of the issues and events surrounding each question. Then you tell us what you think by completing the ballot which appears at the bottom of this page and mailing it to The Enquirer. As soon as the ballots are counted, we will publish the results. So speak out. Make your opinion heard.

THE FACTS

One of the most hotly disputed issues of the day is the forced busing of school children to achieve racial balance in our public schools. Legislators, clergymen, educators and ordinary citizens have lined up on both sides of this issue. Both blacks and whites have publicly spoken out on both sides of this question.

An amendment to the U.S. Constitution has been introduced in Congress that would prevent busing to achieve integration. In one state—Florida—voters have had a chance to register their feelings on a proposed anti-busing amendment in a straw vote on March 14. By a margin of nearly 3 to 1 (1,096,025 for, 384,303 against) the voters endorsed the idea of an anti-busing amendment.

Now, The Enquirer extends the chance to people in all 50 states to make their opinion known on this important question.

FOR

DEAR ENQUIRER READER: All of my political life I have fought for the principle and the practice of integrated schools, based on simple justice and the unanimous view of all who have studied the problem that integrated education is better for the children and the community. I will not change that position, regardless of the political cost.

I believe that school busing and redistricting, as ordered by the federal courts, are

among the prices we are paying for a century of segregation in our housing patterns. For more than a generation, black children were bused to avoid integrated schools, and one of the more cynical aspects of our present debate is that President Nixon, seeking to make political capital of this difficult situation, is ignoring history and asking the nation to believe this problem began yesterday.

Talk about a Constitutional amendment to prevent busing is sheer demagoguery, whether it comes from Governor Wallace or the President. This is an attempt to divert Americans from the enormous frustrations which now beset us. An anti-busing amendment will not bring our POWs home one day sooner from Vietnam. It will not make our income or property tax system any less unfair. It will not put a single unemployed American back to work, nor will it take one milligram of filth from our air or water. All it will do is to increase racial tension and despair.

We would be better served if the President announced, as I have, that he intends to enforce the law, and not turn Americans against their neighbors on this issue. Then we could all turn our attention to the real problem: How to achieve quality education at the end of the bus line, and neighborhood schools in neighborhoods in which every American can live.

Senator GEORGE MCGOVERN.

AGAINST

DEAR ENQUIRER READER:

I feel it is idiotic and discriminatory to bus children around the countryside to achieve some misguided do-gooder's concept of racial balance.

In 1954, the Supreme Court decision meant to me that every child was entitled to go to the school nearest his home. The logic of that decision was that it was discriminatory to tell a child that he could not go to a particular school because of his race.

Now in 1972, that's exactly what the courts are ordering to achieve racial balance—telling children that they cannot go to a particular school near their home because of their race. It is discriminatory and an outrage to send children 20 or 30 miles from their homes in bad weather and across dangerous intersections, to achieve someone's social aim.

I have yet to find a parent—black or white—whose child is being bused for several hours a day, who approves of forced school busing. The only people who want it are the intellectuals and even they don't want it for their own children.

A good education for every child should come first. It's far better to spend our money on teachers and building better classrooms than to spend it on buses and drivers which contribute nothing to a child's education. The only logical answer is to say that every child is entitled to go to the school nearest his home and that if he does not want to go nearest his home, he can go wherever he pleases.

I am very much in favor of a Constitutional amendment which would prevent forced school busing. And I believe that if the Congress approves this amendment, the voters in each state will make their feelings known so strongly that this amendment will be ratified with record-breaking speed.

Senator RUSSELL LONG.

## ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, how much time remains to the manager of the bill?

The PRESIDING OFFICER. Six minutes remain to the Senator from Rhode Island, and 12 minutes remain to the Senator from New York.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. CHILES. Mr. President, I understood that under the previous unanimous-consent agreement I was to be recognized for up to 15 minutes prior to the time of the vote.

Mr. PELL. The Senator is absolutely correct. He has already spoken for 2 minutes. That means that he has 13 minutes remaining. We have to vote at 3:30 this afternoon.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. PELL. Mr. President, I yield the remainder of my time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 11 minutes.

Mr. CHILES. Mr. President, I thank the Senators. I do not think I will use all the time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield me 2 minutes, with the understanding that he get the time back? It may not take me that long.

Mr. CHILES. With that understanding, I yield to the Senator from West Virginia.

## FOREIGN RELATIONS AUTHORIZATION ACT OF 1972 AND FISHERMAN'S PROTECTIVE ACT—UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, with the authorization of the majority leader and having discussed the following request with the assistant Republican leader and with the Republican leader and other Senators, I propose the following unanimous-consent request.

I ask unanimous consent that the following limitations on the following amendments to the unfinished business, the State authorization bill, be agreed to:

That on amendment No. 1203 offered by the Senator from Pennsylvania (Mr. SCOTT) there be a 1-hour limitation.

That on amendment No. 1201 offered by the Senator from Tennessee (Mr. BAKER) there be a 1-hour time limitation.

That on amendment No. 1196 offered by the Senator from Virginia (Mr. HARRY F. BYRD, JR.) there be a 2-hour limitation.

That on amendment No. 1174 offered by Mr. BROOKE, there be a 2-hour time limitation.

That on amendment No. 1176, offered by the Senator from Colorado (Mr. DOMINICK), there be a time limitation of 1½ hours.

That on an amendment to be offered by the Senator from Illinois (Mr. PERCY), there be a time limitation of 1 hour.

That on the bill, H.R. 7117, there be a time limitation of 1 hour.

That the time on each amendment be equally divided between and controlled by the mover of the amendment and the manager of the State authorization bill.

That with respect to the bill, H.R. 7117, the time be equally divided between the Senator from Washington (Mr. MAGNUSON) and the Republican leader or his designee.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan has been recognized.

Mr. GRIFFIN. Mr. President, I believe that it would be helpful if the bill which the Senator referred to by number could be identified by title.

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me an additional 2 minutes with the same understanding?

Mr. CHILES. With the same understanding, I yield 2 minutes to the Senator from West Virginia.

Mr. ROBERT C. BYRD. H.R. 7117 is an act to amend the Fisherman's Protective Act of 1967. It is Calendar No. 736.

Mr. GRIFFIN. Mr. President, I must say that I did not realize this earlier. However, the Senator from Texas (Mr. TOWER) has an amendment to offer to that bill. I do not know what time limitation he would agree to. For the time being, could we eliminate that portion of the request.

Mr. ROBERT C. BYRD. Mr. President, for the time being I withdraw that portion of the unanimous-consent request.

Mr. JAVITS. Mr. President, reserving the right to object, may we know whether this would foreclose other amendments to the State authorization bill?

Mr. ROBERT C. BYRD. It would not.

Mr. JAVITS. Is any time limitation sought to be put on any other amendments?

Mr. ROBERT C. BYRD. No.

Mr. JAVITS. Just those that have been enumerated?

Mr. ROBERT C. BYRD. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. HUGHES. Mr. President, reserving the right to object, and I do not wish to object——

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time not be charged against the time of the Senator from Florida.

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. CHILES. Mr. President, we are approaching the 3:30 p.m. deadline.

Mr. HUGHES. Mr. President, something has arisen since my conference with the majority whip. I would like to request that he withhold his request to

give me an opportunity to talk to him for a couple of minutes. I would rather not do it in colloquy if that is possible.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request for the time being, and I ask unanimous consent that the time of the Senator from Florida be allotted a full 15 minutes prior to the rollcall vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. JAVITS. Mr. President, reserving the right to object, I do not think we have enough time remaining between us. We have no requests for speakers. I am willing to yield all the time that I have remaining, with the exception of 2 minutes, to the Senator from Florida.

Mr. CHILES. That will be sufficient.

## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. CHILES. Mr. President, in discussing the conference report, we are of course talking about a number of important subjects encompassed in this conference report.

I think that the conference committee has done some yeoman work in bringing back to the Senate a report that they could reach agreement on with the conferees. I compliment the chairman of the Senate conferees as well as the other members of the Senate conferees for being able to reach some agreement.

Mr. President, I think the distinguished Senator from Rhode Island has performed a great task in coming back to the Senate with a report.

Mr. President, in May of 1971, I introduced S. 1755, a bill to establish a student loan marketing association, and S. 1756, a bill to strengthen the student insured loan program.

The program provides for student loans. The program for insured loans is excellent. However, it did and does need some adjustment.

Over the past 5 years it has gone from $77 million in 1966 to $863 million in the first 9 months of fiscal year 1971.

In 1970, there were 921,896 students receiving assistance from this program. And dollar for dollar the taxpayers' money goes to providing more students with a guaranteed student loan program than any other form of student loan assistance.

It is also important because it provides that students can get assistance under the main requirements having to do with poverty and those having to do with their needed amount of economic assistance. Yet with the high cost of tuition and the high cost of obtaining a college education, for many students in the lower middle class and the middle class this is the only way they have an opportunity to obtain an education. They will eventually pay the money back into the program and it can be reused.

The changes in the bill are essential. Their provisions would enable more students and more leading institutions to join together and help insure that the financial barriers to higher education will become less and less significant.

I believe that the student loan sections of the conference report will get the federally insured loan program to more students by removing many hitches in the current law, encourage many more lending institutions to participate, and multiply the number of outlets through which to obtain insured loans.

Many banks, while acknowledging that the program is valid and that they would like to participate, because the period of these loans is for 10 years and because they cannot turn over their loans to commercial banks, do not want to have paper they cannot turn over for 10 years, and they have failed to come under the program or they have done so on a limited basis. Therefore, they have not provided the resources they would have provided if we set up a marketing situation so they could market these loans as they will be able to do so if the bill becomes law.

The enactment of this legislation is of tremendous importance to the young people and the colleges themselves.

Mr. President, another section of the conference report to which I lend my strong support is the language that provides where a local school district may be in violation of the law with regard to Federal funds, a technical or inadvertent violation, and where the violation is clearly unintentional, the school district will be given the opportunity to correct the situation and not lose the Federal funds or the right to obtain Federal funds under the emergency integration portions of the loan or be required to pay back money it has already received, as happened in some school districts, because of technical or minor violations of sections of the program.

I think the conference report adds clarity to that section and evidences the congressional intent that we are not going to allow these Federal funds under the impact program to be used to foster segregation, but at the same time we are not going to work a penalty on a school board, because of an inadvertent violation of one of these provisions.

Mr. President, before I come to the most controversial section of the conference report I wish to touch on one other section that I think adds greatly to the present law. I refer to the provision having to do with the impact funds for segregation for trying to help an area that is trying to enter into its plan for integration, that provides that where districts are under a court order, being under that court order itself is sufficient reason if they are trying to comply and carry out the terms of that order, and they will be eligible for emergency funds without having to go through further requirements as to whether or not HEW would like to add something to the court-imposed plans. Where the district is under a court order and is attempting to comply, and requests funds to comply with that order, HEW would not be able to add additional requirements. That is a great benefit to the present law.

With respect to provisions having to do with busing, many of us are not happy with the provisions that come forth from the conference committee, but what we have to look at is not whether we are satisfied that this is our answer to busing or to stop busing, but I think we have to look at what we were able to pass in the Senate, what the House passed, and what came out of the conference committee. When one looks at that, it will be seen the conference report should be agreed to. Certainly, it should be from the standpoint of the Senator from Florida because there are several provisions in the report of benefit to our State in this regard.

Had the Ashbrook amendment, which is the House provision, been agreed to, it would have cut off all Federal funds to be used for busing. What would that have done in Florida and in the South? In my State we are under a court order to bus and we have to bus, but that measure said we could not use Federal funds to comply with that order. That would have meant that the city of Jacksonville and other cities in Florida would have had to bus, but they would have to use local tax dollars to buy the buses and not use Federal dollars, so it would have meant an increasing burden on the taxpayers, who are the prime source of revenue. It would have placed that intolerable burden on the district, in addition to the burden of busing under the conference report, if the school board requests in writing the use of Federal funds for the purpose of carrying out a busing order. Then, they would be able to use these funds. That is a benefit to my State rather than having the Ashbrook amendment, which would have stopped busing, but it would have prevented us from using any of the Federal funds.

Mr. President, in addition, I think the language of the Talmadge amendment which is in the report, which states for the first time that where busing is now going on a parent can reopen a suit if they can show the time or distance is so great or that the educational opportunities are unequal as a result of busing, is the first time it appears to me to give some recognition to Florida and the South where busing is going on, and we would be treated somewhat similar to all others. Some seem ready to act to stop future busing and to put into effect the Swann decision, which has to do with future busing, but gave no relief to present busing. The Talmadge amendment is a part of this conference report and would offer some relief.

While I would like to write antibusing provisions so that they would be uniformly applied, I think the report, on balance, is positive in that respect and the conference report overall should be

agreed to. I support the conference report.

Mr. JAVITS. Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to urge my colleagues of all political persuasions and viewpoints to join together in supporting the conference report, which covers such a broad spectrum. I think that a large and overwhelming supportive vote in the Senate will play a great role in the deliberations in the House when they consider this matter. I ask for that support.

Mr. JAVITS. Mr. President, as I have maintained for 2 days of debate on the conference report, this is a magnificent education bill. However, it is terribly unfortunate that it is marred by unjust, oppressive, unconstitutional, as well as legally vague provisions construed by those who offered them in the other body, and by the managers, as "anti-busing."

I close with the feeling that I have expressed constantly that the vote is a matter of deep conviction by each individual as to which preponderates, the unjust provision to which I have referred or the benefit of a great education bill. I have chosen the first course. I shall vote "No" on the report. In addition, I would like to urge the highest priority in the litigation which will test this provision.

The committee invites it and I am very pleased the managers do not construe the Bloomfield amendment to be retrospective but prospective. The committee invites early judicial consideration; I do, too.

I will face no happier day than the day the Supreme Court settles this question and strikes down the amendment and leaves us all to enjoy the great benefits that inhere in this bill.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes before the vote.

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

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time, by authorization of the able majority leader, to announce, first of all, that there will be at least one more rollcall vote today.

Mr. STENNIS. Mr. President, may we have order? We cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. After the adoption of the conference report, there will be at least one further rollcall vote today.

## FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the conference report, the Senate proceed to the consideration of amendment No. 1203 by Mr. SCOTT to the State Department authorization bill, and that there be a limitation of 1 hour on that amendment, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that there will be a rollcall vote on that amendment.

Then I ask unanimous consent that on the following amendments there be time limitations as stated. I do this by direction of the majority leader, having discussed it with the distinguished Republican leader and the distinguished assistant Republican leader.

Mr. President, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on amendment No. 1201 by Mr. BAKER, there be a limitation of 1 hour—these are amendments to the unfinished business, the State authorization bill—that on amendment No. 1196 by Mr. HARRY F. BYRD, JR., there be a time limitation of 2 hours; that on an amendment by Mr. BROOKE (No. 1174) there be a limitation of 2 hours; that on amendment No. 1176 by Mr. DOMINICK, there be a time limitation of 1½ hours; that on an amendment by Mr. PERCY, the number of which I do not now have, there be a time limitation of 1 hour. In each case the time limitation is to apply at such time as the amendment is called up.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, what is going to happen if any amendments are offered to any of those amendments?

Mr. ROBERT C. BYRD. Mr. President, that is a very pertinent question. I think it was appropriate for the Senator to raise the question.

I ask unanimous consent that time on any amendment to an amendment be limited to 30 minutes, and the same with respect to any debatable motion or appeal.

Mr. JAVITS. That does not exclude motions to table?

Mr. ROBERT C. BYRD. It does not.

The PRESIDING OFFICER. Is there objection to the several requests?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object, because all these requests have been cleared, as the distinguished majority whip has indicated—I want to make it clear, however, to some of our colleagues who have inquired of me that these amendments do not involve any of the so-called end-the-war amendments. The Senator from Massachusetts (Mr. BROOKE) has one, but the one the Senator referred is not another amendment that he has in that category.

Mr. CASE. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have 1 additional minute.

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

Mr. CASE. I am sorry I was not here when the Senator read his request, but I understand it may include a vote tomorrow on the Dominick amendment, so-called.

Mr. ROBERT C. BYRD. In reply to the able Senator, it would be the intention of the majority leader or myself later today to ask unanimous consent to clock these amendments into sequence.

It would be our intention to ask that the Senate tomorow, after routine morning business, take up the Fisherman's Protective Act of 1967, H.R. 7117; with that to be followed, on the Foreign Relations Authorization Act, by the amendment by Mr. BAKER (No. 1201); to be followed by the amendment by Mr. DOMINICK (No. 1176). That would constitute the business for tomorrow, and the Senate would then go over until Tuesday next.

Mr. CASE. The Senator from New Jersey, unfortunately, has to be away. He is not away very often, but he has made a long-term commitment to be at a labor gathering at Montreal, which is important in its own right to labor and to the Senator from New Jersey. The Senator from New Jersey is especially interested in the Dominick amendment, because it would strike a provision which was inserted in the bill at my instance. Therefore, I must be here. I would need about a half hour, but I would not want either to close debate on the Dominick amendment or to have a vote on it tomorrow.

Mr. ROBERT C. BYRD. The request of the distinguished Senator from New Jersey (Mr. CASE) will certainly be taken into consideration. I am not asking at this time for the clocking in, by sequence, of any of these amendments, and the Senator's wishes will be taken into consideration when such is done.

The PRESIDING OFFICER. Is there objection to the several requests of the Senator from West Virginia? Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, as I understand it, the Senator from West Virginia did not put it in the form of a unanimous consent request at this time.

Mr. ROBERT C. BYRD. Mr. President, in answer to the able senior Senator from Virginia, the request at this time is only with reference to a time limitation on each of the various amendments that have been enumerated. May I say this has been cleared with the leadership.

Mr. HARRY F. BYRD, JR. It does not apply to the so-called sequence?

Mr. ROBERT C. BYRD. Only with respect to amendment No. 1203 by Mr. SCOTT, which would follow after the rollcall vote which is about to be had.

The PRESIDING OFFICER. Is there objection to the several requests? Without objection, they are agreed to.

## EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act

of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. BEALL. Mr. President, as a member of both the Education Subcommittee and the conference committee, I urge favorable Senate action on the Conference Report on S. 659, the Education Amendments of 1972.

The issues confronting the Congress were both numerous and complex. The bill that emerged from the conference committee represents a compromise hammered out in extended conference meetings.

When the legislation passed the Senate on August 6 of last year, I said:

> This measure is both massive and monumental. It is not only for the moment, but for the future.

Truly, this bill is one of the most significant education measures ever enacted by the Congress of the United States. It is designed to carry out the historic pledge made by the President of the United States when he declared:

> No qualified student who wants to go to college shall be barred for lack of money. That has been a great American Goal; I propose that we achieve it now.

The pending measure is designed to bring about a realization of this great national goal.

To achieve this goal of making postsecondary education available to all with the ability and desire to attend, the bill authorizes a new student assistance program called "basic educational opportunity grants", which is viewed by the conference committee as the foundation upon which all other Federal student assistance programs will be based. Under this program, the student will be entitled to receive a grant of $1,400 minus expected family contributions. The amount of the grant, however, could not exceed one-half the actual cost of attending the institution selected by the student.

In addition, present student aid programs such as work study, the national defense student loans, the guaranteed student loan program, and the educational opportunities grants are extended and improved. Furthermore, there is created a student loan marketing association whose function will be to buy, sell, and warehouse guaranteed student loans, thereby making it possible for more loan funds to be available to more students. The legislation also authorizes a new program of matching grants to States to encourage them to increase their appropriations for student scholarships.

Like other Members of Congress, I have spoken to many presidents of colleges throughout the States and know of the financial difficulties that many are experiencing. The bill for the first time provides a program of institutional assistance to the Nation's universities and colleges. This new program of grants to higher education institutions will be allocated under a formula which apportions 45 percent of institutional assistance on the basis of the total amount of supplemental educational opportunity grants, work study, and national defense student loan funds paid to students at each institution with a formula weighed to give more funds to small institutions; 45 percent on the basis of the number of basic grant recipients at each institution, again with the formula weighed to give the more funds to smaller institutions; and 10 percent of the funds appropriated will be allocated on the basis of graduate students at each institution.

Realizing that there will probably be insufficient funding initially for these programs, various limitations and provisions dealing with this eventuality are provided.

Finally, under institutional assistance, there is a veterans cost of instructions payment. Under this program each institution of higher learning will receive $300 for each veteran attending school and an additional $150 for each veteran who is in a special or remedial program. To be eligible for this program, the institution must increase its enrollment of veterans by 10 percent to be initially eligible.

Also under institutional assistance provisions, I am pleased that the conference committee adopted S. 2154, the emergency assistance for institutions of higher education, which was authored by me and cosponsored by Senator DOMINICK. The bill as introduced authorized $150 million over a 2-year period, but the conference committee reduced the authorization level to $40 million. I am convinced that this interim emergency assistance will be needed to save some institutions from financial disaster over the next 2-year period until the appropriations level for institutional aid is high enough to help the Nation's colleges and universities. I was disappointed, however, that the provisions of this program authorizing grants to improve the planning and managing capabilities of institutions of higher education were dropped. I believe there is a great need for improving management and encouraging innovation in this respect. I hope that the $145 million authorized by the legislation for improvement of postsecondary education will be able to meet the intent of this part of my proposal.

Also, I am delighted that the conference committee included the community college provision, which was found in title X of the Senate bill, and in addition, added the occupational education program of the House bill. This occupational education program was similar to S. 1856, cosponsored by me on the Senate side.

The community college provision authorizes a program for community colleges designed to help them improve educational opportunities in the various States; $275 million over a 3-year period is authorized for the purposes of this title. Grants can be made for planning, development, establishing, and conducting initial operations of the community colleges. Along with Commissioner Marland and others, I have been speaking on the need to improve and emphasize occupational education programs in the country and I am delighted that this is included in the final product. The bill, as before the Senate, authorizes a new program to assist the States in the designing, establishing, and conducting programs of postsecondary occupational education with an authorization of $100 million for fiscal year 1973, $250 million for fiscal year 1974, and $500 million for fiscal year 1975. Occupational and vocational education has been the stepchild of education in this country for too long. It is time that the country give the occupational education the support and resources that are needed to do the job.

The legislation also authorizes a National Institute of Education which is designed to redress the sorry state of educational research. It is no secret that we know very little about the learning process as, for example, how students really learn to read.

As the President stated:

> We must stop pretending we understand the mystery of the process.

Our social problems and rising expectations underscore the need for a quantum leap in educational research, development, and equally important, dissemination of such results to the classroom. The need for expanded research programs in education is evidenced by comparing additional research expenditures with industry and other fields.

Industry, for example, spends about 4 percent or $8 billion of net sales on basic and applied research.

In the health area, we as a nation spend approximately 5 percent or $2.5 billion of the total national expenditures for health on research.

In agriculture, we spend an amount equivalent of about 6 percent, or $900 million annually, of the total net income from farming on research development and application by Government agencies, colleges, and industry.

In the defense area, we spend approximately 3.87 percent or $7.8 billion a year for research and development.

Yet, in education research, expenditures only a few years ago were only about one-tenth of 1 percent of the total educational budget. Today research expenditures amount to about one-fourth of 1 percent or about $125 million a year.

Thus, there is little question that educational expenditures for research and development must be greatly expanded and I am delighted that these two powerful vehicles for education change and reform, the Institute and provisions for support for improvement in postsecondary education, are included in this legislation.

The authorization for the national institute is over one-half billion dollars over a 3-year period. It is my hope that the national institute will give particular attention to the reading problem. I believe that reading is the key to success in school as well as success in later adult life. It is my hope that this will be the number one priority of the new national institute.

There are numerous other important provisions of S. 659, such as the sections

calling for a study of postsecondary education; the provisions prohibiting sex discrimination; and the sections creating a new ethnic heritage and consumer education programs. Furthermore, the legislation extends various existing higher education programs including cooperative education, community services, college library and library training and research programs, developing institutions, and higher education facilities to mention a few.

I am pleased that the conference included a small but important amendment offered by me to make certain that children in institutions for neglected or delinquent children or in adult correctional institutions will be eligible for elementary and secondary education funds. I offered this amendment to prevent the hardships that would have resulted to the Hagerstown Correctional Training Center, as described by the Baltimore Sun reporter Roger Twigg on July 30, 1971. I ask unanimous consent that the article be printed in the RECORD following my remarks.

The conference committee also sustained the Senate's position and retained the proposal amending the vocational education definition to include training for volunteer firemen.

No group does more for their communities than this dedicated group of citizen-firefighters, and this is a small step in recognition of the public service and sacrifice that these men make in order to make all of our communities safer.

The bill also authorizes a 2-year, $2 billion program of grants to facilitate desegregation. The program will also be used to aid schools in our inner-city areas which have a large concentration of minority students.

Finally, the conference committee reached a compromise on the busing controversy. While no one is completely satisfied with this provision, it is the best settlement the conference committee could reach under the circumstances. I ask unanimous consent that the language of the conference report explaining the busing provision, appearing on pages 219 and 220, be printed following my remarks.

Mr. President, in the Nation's history and in its education system, one can discern a steady, forward march in the extension and the expansion of educational opportunities for more of our young men and women. This measure will be a giant step in our constant pursuit of the national goal of making certain that financial barriers will not prevent American youth from continuing their education. I strongly urge the enactment of this landmark legislation by the Senate.

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

[From the Baltimore Sun, July 30, 1971]

CORRECTIONAL CENTER LOSES FEDERAL EDUCATION FUNDS

(By Roger Twigg)

The education of nearly 1,000 young inmates at the Hagerstown Correctional Training Center will be curtailed because of the elimination of federal financing for the program.

The funds to educate "youthful offenders" at the minimum security institution had been provided for the past three years under Title I of the Elementary and Secondary Education Act.

A spokesman for the U.S. Department of Health, Education and Welfare, which distributes the funds, said money for the Maryland program was cut off July 1—the start of the current fiscal year. The spokesman added, "they will have to refund the balance of unspent funds."

MONEY ORDERED RETURNED

The federal agency has ordered the state Division of Correction to return $90,000 of the $200,000 it received for the educational program this year.

According to an informed source, the federal agency has told the Division of Correction that "it was not the intent of Congress, when the Education Act was passed in 1965, to provide funds for educating juveniles in adult institutions."

The program was first authorized by Congress in 1965 to educate "youthful offenders in juvenile institutions," the source said.

AMENDED IN 1968

But, he added, the act was amended in 1968 to allow the Department of Health, Education and Welfare to, "at its own discretion provide funds for educating delinquent children 16 to 21 years of age whether or not they were housed in adult or juvenile institutions."

He said the lack of federal funds will seriously curtail—by as much as two-thirds—the education of nearly 1,000 young inmates at the training center.

The majority of the inmates, the source said, are 21 years old or younger and are serving terms for what police describe as "soft crimes," such as daylight burglary, larceny and auto theft.

He said nearly 80 per cent of the inmates at the training center have not completed public school education, while 50 per cent have less than a fifth-grade education. About 90 per cent of them "are out of the ghetto sections of Baltimore city," he added.

The federal spokesman said financing for such a program could be provided only to institutions which "house children who have been adjudicated to be delinquent." He said the age limit for the delinquent children is 21.

"I can assure you that this has been given very close scrutiny because of the very strong efforts of Maryland officials to maintain the program," the spokesman said. "For some reason or other, that institution does not fall under the guidelines or else the program would be continuing."

"STRINGENT GUIDELINES"

The informed source at the state Division of Correction accused the federal agency of applying "stringent guidelines to tie up, by bureaucratic red tape, funds which rightfully belong to the correctional institution."

However, Senator J. Glenn Beall, Jr. (R., Md.), in a letter to state officials last week, described the cut in funds as a "misunderstanding."

Senator Beall said he has introduced an amendment to the Education Act which would clarify use of the funds. He said he introduced the amendment in the Labor and Public Welfare Committee and that it was adopted and would be sent to the Senate floor.

WILL ALSO HALT STUDY

The Division of Correction source said the loss of federal funds will force the state agency to release 16 teachers, an administrator and a secretary from the training center unless "emergency state funds can be obtained."

The loss of federal financing also will halt a 5-year, $75,000 state-financed study by the Department of Vocational Education to develop a full-scale educational program for Maryland correctional institutions, the source said. The study presently is in its third year.

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GENERAL PROVISIONS RELATING TO ASSIGNMENT OR TRANSPORTATION OF STUDENTS

*Use of funds for transportation.*—(a) The Senate amendment provided that no provision of the Senate bill shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance. There was no comparable House provision. The House recedes.

(b) The House amendment amended the General Education Provision Act to provide that no funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system. The Senate amendment contained an identical prohibition but provided an exception "on the express written request of appropriate local school officials" and added a proviso that no court or officer of the United States shall order the making of such a request and no funds shall be available for transportation when time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process. The conference agreement does not amend the General Education Act, but contains the language of the House amendment, which following exception: "on the express written voluntary request of appropriate local school officials" and adds a further limitation to that exception by requiring that no funds shall be available for transportation when the time or the distance of travel is so great as to risk the health of the children or significantly impinge on the educational process and adds a further limitation that the educational opportunities available at the school to which it is proposed that such student be transported must be substantially inferior to those offered at the school to which the student would otherwise have been assigned.

(c) The House amendment provide that no officer or employee of the Department of Health, Education, and Welfare (including the Office of Eductaion) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local educational agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. Almost identical language appears in the Senate amendment modified as follows: (1) The Department of Justice is specifically mentioned and (2) the prohibited activities enumerated in clause (1) are permitted if constitutionally required. In addition, the Senate amendment prohibited any officer of any Federal agency from urging, persuading, inducing or requiring any local educational agency to undertake transportation of any students where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zone established without discrimination on account of race,

religion, color, or national origin. The House recedes.

*Court appeals.*—The House amendment provided that notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. An identical provision was contained in the Senate bill but is applicable only to court orders requiring transportation of students between local educational agencies or consolidation of two or more such agencies. The Senate amendment provides that the section shall expire at midnight on June 30, 1973.

The conference agreement contains the precise language of the House amendment and provides that this section shall expire midnight January 1, 1974. This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment. The conferees are hopeful that the judiciary will take such action as may be necessary to expedite the resolution of the issues subject to this section.

*Amendments authorizing intervention in court orders.*—The Senate amendment, but not the House amendment, provided that a parent or guardian of a child transported to a public school in accordance with a court order to seek to reopen or intervene in the further implementation of such order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or if the effect of the order is alleged to be significantly to impinge on the quality of his or her educational process. Such right of intervention shall extend to intervention as a class in respect of such busing plan on behalf of such student and all other students similarly affected thereby.

The conference agreement contains the substance of the Senate amendment. The langauge relating to time or distance of travel was conformed to be identical with the restriction contained in section 802.

*Amendments affecting rules of evidence.*—The Senate bill, but not the House amendment, requires that the rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States. The House recedes.

*Application of proviso of section 407(a) of the Civil Rights Act.*—The Senate amendment restated a portion of the language of section 407(a) of the Civil Rights Act of 1964 and provided that such language shall apply to all public school pupils and systems, under all circumstances and conditions everywhere in the United States, its territorities, and possessions. There was no comparable House provision. The House recedes.

Mr. DOMINICK. Mr. President, as the ranking minority member of the Education Subcommittee, I rise in support of the conference report of the Education Amendments of 1972. The conference report represents a fair compromise between the House and Senate bills painstakingly structured during 9 weeks of conference concluding with a marathon 15-hour final session. It represents a most conscientious effort to resolve differences fairly to the ultimate benefit of higher education. And, finally, it represents a true compromise—one in which persons on both ends of the ideological spectrum are dissatisfied.

The bill has been variously referred to as "the most significant piece of postsecondary education legislation to be passed in a lifetime" and as "one of the greatest accomplishments in higher education that has ever taken place in Congress." Platitudes aside, the report represents, at the very least, approximately an $18.5 billion Federal commitment to postsecondary education improvement and expansion through fiscal year 1975. The greatness or importance of S. 659, quite obviously, can only be judged with hindsight, but it promises much to a higher education system which, lacking innovation, could well become moribund during the next several years.

I mention several years, because, if we fail to enact this bill, it may well be 2 years before Congress is able to again devote the time and resources to higher education extension legislation. A continuing resolution of old programs is all that is possible this session, and next year Congress will be concentrating on extending and expanding the elementary and secondary education programs—a most challenging project in view of the present financial problems besetting our Nation's school districts. Even if Congress is physically able to act on higher education legislation next year, I cannot see Congress approving two expensive education authorizations in 1 year, and priorities being what they are, I foresee higher education suffering as a result. Thus, the issue becomes one of not the future greatness of S. 659, but rather, one of most emergent practical need for such legislation.

Mr. President, unfortunately, the emergent need for extending and expanding higher education legislation is being held ransom by a busing controversy which is beginning to transcend reason. It is particularly unfortunate for American taxpayers, postsecondary students, their parents, and the postsecondary institutions themselves that the merits of programs authorizing approximately $18.5 billion will be overshadowed and threatened by a busing issue which was not even originally part of the bill.

I say that it is unfortunate that such potentially promising and necessary programs are jeopardized without attempting to diminish the impacts and consequences of busing. I, perhaps as well as any Senator, realize the controversies, the fears, the violence, and unrest which can flow from mandatory busing. The capital city of my State is presently awaiting the Supreme Court's decision on its case which well may provide the definitive national busing statement we have all been waiting for. Following the Court's order in this case 42 schoolbuses were burned up; one of our high schools to which students were transferred was closed on three separate occasions, once for over 10 days; and school board members had to obtain police protection for themselves and their families. My concerns for a sane resolution to the busing controversy led me first to cosponsor Senator GRIFFIN'S joint resolution to amend the Constitution, and later to seek national guarantees of equal educational opportunity through introduction of President Nixon's Equal Educational Opportunities Act of 1972. My involvement in and concern for the problems of mandatory busing are thus substantial. Yet, I do not intend that such an issue should torpedo a bill as necessary, as promising, and as comprehensive as this.

Assuming that one can still remain practical in the barrage of emotional rhetoric swirling around the busing issue, no Senator should allow busing alone to dictate his vote on this report. The proponents of mandatory busing must recognize the political exigencies of the present situation. A defeat of the conference report will not end the busing debate. It will continue until the Supreme Court finally decides the issues or Congress works out other methods to support quality education.

On the positive side, the conference report contains language substantially similar to the Senate-adopted Scott-Mansfield amendment concerning the expenditure of Federal funds and Federal requirements concerning the expenditure of State and local funds for busing. It also contains the House-approved Broomfield amendment staying the effectiveness of busing orders until all appeals are exhausted or the time for appeals has run, effective to January 1, 1974. In essence, the modified Broomfield amendment guarantees schoolchildren the right to continue attending their present school through final decision of the case, rather than shuttling them from school to school each time a district court order is implemented and then reversed. To guarantee less educational tranquility would, in my opinion, produce counterproductive educational results.

A consequence for civil libertarians advocating defeat at all costs of the Broomfield amendment is the concurrent death of numerous programs contained in the report expressly or substantially for the disadvantaged or minority student. The shallowness of such logic is blatantly obvious for those who read the bill instead of their own headlines and rhetoric.

Killed in the heat of such anti-Broomfield rhetoric would be programs such as the entire student assistance program in S. 659 which is structured, more than ever before, for the needy students by the inclusion of the basic educational opportunity grant "entitlement" for such students. Even without the BEOG or the expanded authorizations of S. 659, during fiscal year 1971, approximately 1,280,000 national defense loans, college work-study jobs, and educational opportunity grants were distributed to America's poor students. Additionally, 1,080,739 guaranteed student loans were made in fiscal year 1971 with 70 percent of them to students from families with adjusted family incomes below $9,000. Also, 90 percent of the institutional assistance program is specifically written to encourage the enrollment of poor students. Part I of title I contains a special graduate fellowship program for students from disadvantaged backgrounds. A vote

against the conference report is a vote against authorizations of $96 million, $100 million, $100 million, and $100 million for this year and the next 3 years, respectively, for the special programs for students from disadvantaged backgrounds. These three programs—upward bound, talent search, and special services for disadvantaged students—assisted 143,000 disadvantaged students toward postsecondary education in 1971. Also killed would be special educational programs, such as the Indian Education Act with authorizations of $116 million, the strengthened Teacher Corps, and special bilingual and migrant education programs contained in part E of title I and title V—all over the busing fight.

Mr. President, if the conference report fails to pass, then the poor child's opportunity to escape poverty through the new $850 million Occupational Education Act or the extended Vocational Education Act fails also. Dying with the bill would be the $25 million ethnic heritage program and the $80 million consumers education program. And, finally, as a last watery drop in a pool of chaos, the civil libertarians would vote against a $2 billion emergency school assistance program designed to assist school districts in meeting the special needs incident to desegregation, to encourage voluntary integration, and to aid schoolchildren in overcoming the educational disadvantages of minority group isolation. The record should be clear that those who vote against the conference report because of special allegiances to mandatory busing do so with the full knowledge that they are consigning the above-mentioned meritorious education programs for the disadvantaged to the junk heap.

To those colleagues who oppose the conference report because the effect of the Broomfield language is ambiguous or not strong enough may I point out that this was the best we could get. May I quote to you some legislative history from the House side describing exactly what is intended by the language. On March 8, 1972, the distinguished minority leader (Mr. GERALD R. FORD) asked the author of the amendment several highly pertinent questions. Their colloquy went like this:

Mr. GERALD R. FORD. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

Mr. BROOMFIELD. Yes; it is.

Mr. GERALD R. FORD. Is it retroactive in its entirety?

Mr. BROOMFIELD. In its entirety.

Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of 'any order' to achieve a racial balance of students 'shall be postponed.'

Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

Mr. BROOMFIELD. That is correct.

The only limitations that the conference placed on the express and clearly intended language of the Broomfield amendment are the termination date of January 1, 1974, and the statement of the conference's qualification that it affects only appealable orders. I understand this qualification to add nothing other than to substantiate the finality of the order language already contained in the amendment. In view of the language and the legislative intent, I believe that the effect of Broomfield is clear, and my colleagues should vote accordingly with full knowledge of the consequences.

Hopefully, the above has been helpful in clarifying and placing in better perspective an issue which should be considered secondary. The merits of the crux of the conference report have already been most thoroughly described by the distinguished chairman of the subcommittee (Mr. PELL) and certainly do not require my reiteration.

Mr. President, I would, however, like to make special reference to some significant provisions which I personally took a substantial interest in. Section 133 of the bill creates a Student Loan Marketing Association to serve as a secondary market and warehousing facility for guaranteed student loans. Sallie Mae, as the association is referred to, would provide much needed liquidity for private lenders dealing in the most active Federal student assistance program. The guaranteed student loan program, in its 5-year existence, has made more than 3.6 million loans totaling more than $3.3 billion to students attending more than 2,000 educational institutions. In spite of the above-cited activity, private lenders are becoming more hesitant to devote a substantial portion of their loan portfolio to low-interest loans which are not fully paid off for as long as 10 years after the student has completed graduate school, and served in the military, the Peace Corps or VISTA.

The association would encourage greater participation by furnishing a source where the student loan paper could be discounted by such lenders thus freeing money for more loans. The particularly attractive aspect of Sallie Mae is that except for $5 million in seed money and Federal guarantees on its obligations, the capability of the guaranteed student loan program is immeasurably expanded without the use of Federal funds. After June 30, 1982, Sallie Mae becomes completely independent and self-operating as from that date forward, the association will not even be able to issue Federal guaranteed obligations.

In order to overcome funding contingencies and formula restrictions contained in the new general institutional aid program, Senator BEALL and I introduced a concept of emergency institutional assistance. It is intended to provide interim emergency assistance through fiscal year 1974 to institutions faced with financial distress serious enough to threaten either the closing of the institution or curtailment of quality education programs. Whereas 45 percent of the general institutional assistance is contingent upon substantial appropriations for basic educational opportunity grants and 90 percent of it is contingent upon the enrollment of students receiving student assistance, this assistance is available upon a determination of need only. To insure against funding abuses, the program requires that need be determined for public institutions by both an appropriate State agency and the Commissioner after he has consulted with a panel of non-Federal Government specialists. Private institutions have the option of forgoing the need determination by the State agency. Although the authorization level was cut to $40 million, the program should prove most helpful to those institutions beyond the assistance of the general institutional aid program.

To further educational opportunities consistent with the included Indian Education Act, and more specifically to encourage and stimulate developing Indian institutions of higher education, I authored language to make Federal funds more available to such institutions. Pursuant to a recommendation made by the old Special Subcommittee on Indian Education, on which I had the pleasure to serve as ranking minority member, I offered language authorizing the Commissioner of Education to waive the present 5-year existence eligibility requirement for developing Indian institutions, if he determines that such action will increase higher education for Indians. This language which was strengthened by Senator BELLMON on the floor and modified in conference allows Indian institutions, community college or otherwise, which are making a reasonable effort to improve their quality, which are struggling for survival and which are isolated, to apply for 1965 Higher Education Act title III funds whether they have been in existence for 5 years or not.

In the original Senate report on S. 659, which was ordered printed on August 3, 1971, I devoted the majority of my individual views to advocating a more flexible, postsecondary education system with increased emphasis on the training of skills for blue collar trades and careers. Thus, I am delighted that the conferees saw fit to provide such emphasis by extending the Vocational Education Act of 1963, as amended in 1968, for 3 years and authorizing a new $850 million occupational education program. To provide further diversity away from purely baccalaureate degrees, the conference also created a new community college plan to encourage the planning, establishment and expansion of State community college systems. These actions are all consistent with Commissioner Marland's concept of career education and my own desire to restore the respect for and interest in trades and careers which literally built our country and which are necessary for its continuance.

Before closing, Mr. President, I must cite the excellent and diligent efforts of our Education Subcommittee chairman, Mr. PELL. He guided this mammoth bill through endless months of hearings, executive sessions, floor debates, recommittal, and finally through the conference itself. Also deserving special mention is the noteworthy attendance and participation of the minority Senate conferees. To Senators JAVITS, SCHWEIKER, BEALL, and STAFFORD, I offer my profound thanks for outstanding assistance throughout a very grueling conference. The conference report contains part and parcel of each man's labors and contributions. It represents a most conscientious effort by all Senate conferees to reflect the will of the Senate. It substantially accomplishes this result to the definite benefit of American postsecondary education.

Mr. President, I urge my colleagues to vote in support of this substantial monument to the improvement of higher education in America. The busing issue is of great importance and must be faced but there are many other opportunities to debate the issue without jeopardizing this landmark legislation.

Mr. KENNEDY. I face a dilemma with this bill because, on the one hand, I vigorously support the truly landmark higher education provisions approved by the conferees, the Indian education reform provisions which I sponsored, and the extension of Federal funds to aid schools in the process of desegregation.

But, on the other hand, I speak with equal vigor in opposition to the amendments grafted onto this measure in the wake of public hysteria over the issue of busing.

It is the latter issue which forced me to reluctantly decide against signing the conference report. I did so with regret because I have worked for many years on several of the major education concepts contained in the bill reported by the conference committee. I believed these provisions represent the most far-reaching higher education legislation reported to the Senate in modern times.

But today, the Nation's most pressing social issue is not the manner nor the level of Federal assistance to higher education. Rather, it is the question of how black Americans and white Americans will live together. Therefore, I felt it would be wrong to indicate in any way that I recommend the conference report to my colleagues with its antibusing desegregation provisions.

It is painfully clear that providing endless delays to desegregation orders is a slap in the face to the Nation's minority citizens. It is a blow that is especially unwise because that legislation effectively hampers any initiative by the Federal Government or the courts to seek an end to inequality in our Nation's public schools.

Black and white families alike are distressed and frustrated by the clamor over school busing. White families feel that orders requiring suburban students to attend schools in deprived inner city classrooms are wrong.

But for years, parents of black children have stood by helplessly as all-white suburban heavens were promoted by official actions of Government agencies which could have prohibited racial discrimination in real estate dealings, had they wished.

If we argue that busing to erase the inequalities in our schools must be halted, then we must be prepared to adopt other measures that seek to accomplish that goal. Outlawing busing will not solve the problem of an inadequate education for black or white Americans.

Clearly, we are not in favor of busing which endangers a child's health.

Clearly, we are not in favor of busing which significantly impinges on the educational process.

Clearly we are not in favor of busing for busing's sake.

But if it is wrong to send white children to schools that some people call "inferior," then it is wrong to tell black children that they must stay in those schools and keep quiet about it.

Measures that prohibit school authorities from carrying out their constitutional mandate to adjust the deprivation caused by segregated schooling are unacceptable. I cannot support them. And they totally hide the real issue for equal education under the emotional veil of the busing issue. So long as we have public schools in this country, white and black children will ride buses. They rode them in the 1930's. They rode them in the 1950's. And they will ride them long after this debate is only a sorry memory in Senate history. But, equally sorry will be the chapter in the national history showing that we told millions of black men and women across the country that their children were not permitted to attend decent schools.

Anyone who denies that this is the effect of antibusing measures has not faced up to the shameful results of years of blatant neglect and discrimination.

Eighteen years after the surging thrust of the Brown decision, Americans know deep down that the real goal is and must be quality education for all, regardless of race. Busing was not conceived as a lasting and permanent approach to that problem. And it should not be. It is a stop-gap measure to achieve the goal of ending segregated education.

As it appears on the floor today, this measure contains three basic discriminatory amendments, all designed to interfere with the ability of the courts to assure equality of education to the children of this land.

Although the conferees were successful in preserving the diluting language of the Mansfield-Scott compromise in both the Ashbrook and Green amendments reported by the House, we were unsuccessful in an important third area. The provision known as the Broomfield amendment was adopted virtually intact by the Senate conferees. The vote came after an all-night bargaining session and climaxed a 2-month conference. The House proposal was accepted by a 7-to-5 margin.

The proposal meant that the Broomfield amendment as it had been passed by the House would be accepted in its entirety. There would be no change in the text of the amendment: athough the House conferees did limit its duration to 18 months.

The Broomfield amendment signifies exactly what the President's moratorium symbolizes—willingness by the Federal Government to see the fourteenth amendment guarantees of equal educational opportunity diluted, delayed and diminished.

The amendment provides for the delay of any Federal court order requiring the transfer or transportation of students, until appeals have been finally exhausted. The measure clashes with the Supreme Court decision in *Alexander* v. *Holmes County* (396 U.S. 19 (1969)) where the Court specifically rules that remedies must be enforced during the appeals process in school desegregation cases.

The Court had seen the same sorry record that we have seen since 1954, the same delays, the same maneuvers, the same refusal to respond affirmatively to the Court ruling in Brown against Board of Education.

An so the Court ruled that compliance with the Constitution required that desegregation orders be enforced, because the constitutional rights of minority children were being denied each day they were forced to attend segregated schools. Moreover, because the appeals process may run for many years, the courts demanded obedience to desegregation orders without further delay.

That the appellate process can take many years is evident in the case of the State of South Carolina. There, 16 years elapsed between the Court's initial order and the final decree to eliminate segregation in the public schools. Within 2 years of that date, the situation in South Carolina shifted dramatically. In 1970, before the final order was implemented, only 15 percent of the State's black students were in desegregated schools. By last September, over 90 percent were in desegregated schools.

Thus, for 16 years, the process of compliance with the Constitution was delayed. For other States and school districts, that process continues to be delayed.

For those districts, the Broomfield amendment would offer still more time for the constitutional rights to equal education to be denied to minority children.

At a time when we are committed to law and order, it is inconsistent, and probably unconstitutional, to pass legislation which has the specific objective of preventing enforcement of constitutionally protected rights. For the effect of the Broomfield amendment would not simply be to deny relief but to deny relief required by the Constitution.

Some have argued that the amendment may be interpreted to apply only to orders which require racial balance. And since the Supreme Court never has set forth that requirement—the Court has merely ordered an end to segregation—these observers argue that its effect would be construed out of existence. However, valid that claim may be, and I hope that the Court places that interpretation on it, the author of the amendment stated quite clearly his intent when he introduced and defended the amendment before the House.

His intent was to delay all orders requiring busing. While he argued that he simply sought uniformity to end any unfairness caused by differing district court decisions around the country; in fact, the House heard him well and understood that his course was first, delay, and only second, uniformity.

And that view was reflected in the conference. For in the interest of compromise, I suggested that if the Broomfield amendment was substantially shortened in time to a period of several months, and a provision was added requiring immediate review by the Supreme Court of a district court order—by-passing the circuit court of appeals—then the demand for uniformity would be met.

However, the House conferees rejected that proposal, arguing that the

intent of the House would not be satisfied by my suggestion.

And so the final version is before us. Its intent goes far beyond busing. It is a measure, as was the President's, to turn the clock back. It is a measure to maintain confusion and uncertainty in school districts across the land.

And it is a measure which denies to minority children the rights that the Constitution guarantees them.

Therefore, I found that I could not sign the conference report recommending this legislation to my colleagues.

And I did so with great reluctance because of my regard for the yeoman work accomplished by the chairman of the Subcommittee on Education, Senator PELL, in the field of higher education.

I believe that the provisions in the Senate-passed version of S. 659, the basic provisions of which are retained in the conference report, represent a stellar legislative achievement.

As a cosponsor of the higher education bill and as a member of the Subcommittee on Education, I watched the progress of this measure during hearings both in the 91st Congress and in the current session.

And the thrust of this legislation is aimed at relieving the following three gaps in our system of higher education:

First, postsecondary education has been denied to young men and women because of financial obstacles. The Commissioner of Education told the subcommittee last year that a student from a family with an income over $15,000 is almost five times more likely to attend college than a student from a family with an annual income under $3,000.

Second, there is the growing financial crisis among the colleges and universities across the land. The Carnegie Commission study a year ago discovered that 60 percent of the 2,340 institutions of higher education in the Nation were on their way to financial trouble or already mired in the red. At a time when enrollments are 60-percent higher than in 1965, Federal support to colleges and universities was declining to the lowest level since 1966. The financial crisis spans both public and private institutions. Public institutions find themselves resting on the shaky foundation of property taxes and private institutions on the even shaker ground of tuitions and donations. In my own State of Massachusetts, where more than half of the 215-000 full-time undergraduates are enrolled in private schools, the financial conditions of those schools is dire. A select committee reporting on the financial problems of private higher education in the State reported that we could probably expect a deficit of $50 million within 4 years and two to three times that amount by 1980 to 1981.

Third, there is the demand to provide diversity in post-secondary education and innovation and reform as well. The growing population of high school graduates has swept around and over the traditional 4-year college or university. Their demands frequently are better satisfied by community colleges and vocational institutions.

At the same time, there has been a recognition, forced on us in part by the students, and shared by many educators and administrators as well, that the rigid structure of the traditional 4-year college needs basic reform. The free university, the university without walls—these were all responses to a need. But research within the higher education community has been relegated to a low priority and the funding of promising experiments has been inadequate.

The Senate higher education bill grappled with these three problems and it succeeded, I believe, in meeting them head on and providing thoughtful and far-reaching solutions. I believe the conference report preserves those solutions.

STUDENT ASSISTANCE

The pioneering aspect of the student-aid package is that it commits the Federal Government strongly to the principle that every qualified high school graduate is entitled to further education, whether in community colleges, vocational institutes, or the traditional 4-year college or university.

I have endorsed the concept of an educational entitlement equivalent to the GI bill of rights for several years. In April 1969, I introduced a higher education bill of rights incorporating the recommendations of the Carnegie Commission on Higher Education. That measure included the theory of an educational guarantee similar to the basic grant program.

Senator PELL has refined and developed this basic grant program so that it will be the underpinning for Federal student-assistance program.

And this program will reach 1,800,000 full-time students. This is six times the number of students who receive aid under the current EOG program, and three times the number who would have received aid under the House bill.

For the first time, we put Federal money behind the Federal promise to permit every qualified individual the right to obtain higher education regardless of his income.

The measure provides $1,400 to each student, less his family contribution. The conference also accepted the House limitation that the grant shall not exceed the difference between the family contribution and the actual cost of instruction. In the event appropriations are insufficient to cover the full entitlement, they are to be reduced to up to 60 percent of the student's actual need.

The philosophic underpinning of this program is that students from low-income families have less access to other sources of financial aid than middle- and upper-income students, thereby increasing their dependence on Federal financial assistance.

These students are less likely to obtain guarantee and other loans since they have less collateral. They are less likely to receive support from relatives or civic groups. Also, institutions of higher learning serving predominantly disadvantaged populations tend to have smaller endowments and thus are unable to offer their own students any significant support.

Without other alternatives, the question whether these students receive Federal assistance will determine their educational future. And the importance of this fact is simply that for many of these students the primary means of moving into the mainstream of American economic and social life is to obtain a college education.

The basic grant program reflects the best possible public policy by supporting these young citizens in their efforts to lead fuller and more creative lives.

Nor does it void in any way the existing student assistance programs. The basic grant program can be funded only after the level of appropriations that was available this year for the traditional EOG program, the work-study program and the student loan programs has been matched.

We have accepted the House provision to increase the EOG grant ceiling to $1,500. We have adopted a new scholarship program providing for matching funds to States for State scholarships with a 3-year, $150 million-per-year authorization. We have raised the level of funding for the special programs for disadvantaged students increasing the authorization for upward bound, talent search and special services for disadvantaged students to $100 million for each of the next 3 years. And we have provided for the establishment in inner city areas and poverty areas, educational opportunity centers to provide guidance to young people on entering college.

The student loan program was retained and a new student loan marketing association established to expand the availability of credit. The association will be able to buy up loan paper from banks and other lending associations, thereby permitting them to expand the number of student loans.

In that program, Congress also tried to end a discriminatory situation which has existed for 4 years. Banks have been requiring that students or their families maintain accounts with them before they grant loans. This clearly was not the intent of Congress. Three years ago, we passed legislation to prevent this from occurring. However, the Secretary has failed to issue any regulations on this matter. This year, we adopted a provision prohibiting such discrimination, and, although the House conferees opposed it, a compromise was adopted which exempts smaller banks from this requirement. Hopefully, we will prevent most students from being denied a loan because a bank demands a prior commitment to open an account.

These student aid and student loan provisions combine to establish the broadest and most expansive student assistance program ever offered by the Federal Government. They offer visible evidence of the congressional intent to assist students from low- and middle-income families to receive the benefits of higher education. It is a worthy goal and the programs are designed to achieve that goal.

INSTITUTIONAL AID

Also, the conferees recognized the financial crisis facing higher education and responded with direct college operating subsidies. The funds will be alloted to colleges and universities partly according to the number of Federal grant recipients enrolled and partly according to the total

volume of Federal student aid funds it received. Ten percent of the allocation will depend on the number of graduate students that a college enrolls.

These cost of instruction payments will be geared to increase as the size of the institution grows smaller. In this way, the conferees took note of the special problem of the small liberal arts schools, which have been hit hardest by the financial crisis.

Also, there was an attempt to provide $40 million in emergency assistance over the next 2 years to help put the financial props back under some of the Nation's colleges which are suffering the most.

In addition, the conferees increased grant authorizations for undergraduate and graduate facilities and expanded the availability of construction loans.

The conference version of S. 659 retains almost in its entirety the Senate direct assistance package for the expansion of the Nations' community colleges. Some $275 million has been authorized over the next 3 years to provide for new community colleges, and the expansion of existing colleges.

A similar effort to expand the vocational institutes of higher education occurred as the bill establishes within the Office of Education a Bureau of Occupational and Adult Education and authorizes $850 million for the next 3 years to strengthen occupational education programs.

In this way, a major effort was undertaken to reverse the trend of decreasing Federal assistance to the institutions of higher education.

EDUCATIONAL DIVERSITY AND REFORM

The conferees adopted major new provisions aimed at improving the development of the teachers and counselors and administrators who direct our educational system. The teacher corps is continued and given new independence within the Office of Education and the efforts to recruit and train teachers for elementary, secondary, vocational and higher education are expanded. In addition, new provisions are included to improve the education of disadvantaged and bilingual children through retraining teachers, employing high school and college students as tutors and improving teacher training programs. In committee, my amendment to focus greater attention on the use of these programs for the needs of bilingual children was adopted with specific earmarking for that purpose.

The bill insures that there will be a single Federal agency headed by an Assistant Secretary for Education who is spokesman for Federal education policies.

To accomplish this purpose, the committee establishes a Division of Education within the Department of Health, Education, and Welfare. The Division will include the Office of Education and a new National Institute of Education.

The new Institute will continue its function of providing a coordinated system of research into higher education as provided by the original Senate amendment. But, in addition, it will also include the grant authority of the proposed National Foundation to promote innovation in the design of post-secondary education, in the modes of teaching and learning and in the ways in which higher education can be opened to all segments of our population.

In this way, the need for diversity and reform and innovation in higher education can be opened to all segments of our population.

In this way, the need for diversity and reform and innovation in higher education has been met by the conferees. For the first time, there is a focus of educational reform efforts and $250 million authorized over the next 3 years to fund those reform efforts.

I believe the combination of these programs represents a creative and thoughtful effort at expanding the opportunities of higher education and of offering a Federal commitment to improve the standard and quality of that educational product.

INDIAN EDUCATION

In a separate provision, the amendment I originally introduced to reform our Indian education programs in this country was accepted by the House conferees. The suggestions of Congressman MEEDS of the House were helpful in refining the proposals. The Indian education program reflects the year-long hearings conducted by the Special Subcommittee on Indian Education in 1968. The bill establishes three new programs: first, to assist local educational agencies in meeting the special needs of Indian students and in maintaining and operating their schools; second, to provide funds for special programs and projects to improve Indian educational opportunities; and, third, to support the improvement of adult Indian education.

DESEGREGATION ASSISTANCE

In addition to the higher education bill, the current measure contains the legislation that was passed by the Senate previously as the Emergency School Aid and Quality Integrated Education Act. The combined provisions now in the bill authorize $1 billion for each of the next 2 years.

While the House conferees objected to the specific earmarking of funds for educational parks, the basic provisions of the Senate bill remain, although in modified form. Particularly important is the successful effort to retain special incentives for bilingual education programs.

The overall thrust of the measure is to offer to the school districts across this land which are actively seeking to provide quality integrated education, the resources necessary for that purpose. And there are protections present to avoid the distortions which occurred in the use of the original emergency desegregation funds 2 years ago.

Thus, we have a monumental legislative achievement which reflects the long hours of bargaining between Senate and House conferees. The credit for the richness of the educational benefits set forth in this omnibus measure are due not only to Senator PELL but to Senator MONDALE, Senator DOMINICK, Senator JAVITS and the other members of the Subcommittee of Education as well. And the work of Chairman PERKINS of the House Education and Labor Committee, Congressman BRADEMAS and the other House conferees also was vital in molding the present legislation.

But for all of the benefits for the educational system provided by this measure, the drastic effects on desegregation called forth by the antibusing provisions make it impossible for me to vote in favor of the conference report.

What we would provide to the higher educational system would be outweighed by the blatant attack on equality of education contained within the busing amendments. I could not answer the question of a black student denied the opportunity for an equal education by a Senate provision I had voted for. If we are to find the resolution of racial disunity, then it will only come if our political leaders can communicate their determination to preserve equal opportunity for all groups within this Nation.

To accept an amendment which could be interpreted as calling for the delay of all school desegregation orders undercuts that determination and leads the Nation away from an integrated society. I refuse to turn in that direction and I therefore must sadly vote against this bill.

Mr. WILLIAMS. Mr. President, we are today considering an historic piece of legislation designed to provide new directions in the Federal effort to increase educational opportunities in the United States. It represents perhaps the most far-reaching and significant program ever developed and approved by the Congress to insure continued excellence in the American system of postsecondary education. It has been called by one newspaper "the most important piece of legislation to come out of the 92d Congress."

S. 659 was first introduced in the Senate on February 18, 1971. On August 6 of last year it passed the Senate by a unanimous vote. Two months later the House of Representatives passed its version of this bill, and on March 1 of this year, after an extended debate surrounding the issue of school busing, the Senate once again voted its approval of this legislation.

As every Senator knows, the conference with the House has been a long and grueling one. We were faced with almost 300 substantive differences which had to be painstakingly discussed and carefully reconciled; and after 10 weeks of hard work which culminated in an all-night session a week ago today, the conference was able to reach the agreement which is now before us.

I could, of course, speak at great length about each of the important provisions of this bill. Every change in an existing law has been fashioned to substantially improve upon current programs and to eliminate abuses and duplications which have come to our attention. But there are three major initiatives which are critical to the future of higher education in the United States and which merit our special attention.

The student assistance programs which we enacted beginning in 1958 have gone far in opening the doors to higher education for a large segment of our society. National defense student loans, the guaranteed student loan program, edu-

cational opportunity grants, and the work-study program have all been a vital part of our commitment to postsecondary education in the United States. Yet, it was clear from all available evidence before the Senate that these programs by themselves have not been adequate to meet the rising demands for higher education and the rising costs of attending postsecondary education institutions. To meet this need, the Senate bill created a new program of basic education opportunity grants for all students whose available resources are insufficient to enable them to attend a college or university. The basic education opportunity grant provides for a payment of up to $1,400, minus the amount which can reasonably be expected to be contributed by the student's family for his education. This program is designed to assure that no student shall be denied the opportunity to avail himself of educational opportunities beyond high school if he cannot afford it. There was no such provision in the House bill and I think that we can all take satisfaction from the fact that the primary thrust of this new program has been retained in the conference report.

The second landmark program provides financial assistance for the schools themselves. It is designed to lend financial support to the postsecondary schools for each student who is a recipient of Federal financial assistance and who is in attendance at such postsecondary institutions. These institutional grants will help reimburse the schools for improving the quality of teaching and providing specialized services which may be needed by the less advantaged students we are inducing to enroll. The House bill had provided an across-the-board per capita formula of institutional aid which was primarily without regard to whether their students were receiving Federal assistance. It was an important concept but one which the conference ultimately decided against adopting. Rather, we determined that the basic institutional aid approach of the Senate bill was better justified and would more likely achieve the goals which everyone felt were necessary. I view the adoption of this provision as a significant step forward in helping our institutions of higher education meet the demands which will be made upon them in the future, and this provision merits our enthusiastic support.

The third significant initiative in this bill concerns the development of America's community colleges. I have spoken before this body many times about the need for greater assistance for expanding and improving community college education. These low-cost institutions have experienced phenomenal growth in the past decade and are of particular appeal to students because of their proximity to those they are designed to serve, because of their flexible admission arrangement, and because they offer a comprehensive variety of programs growing out of the needs of the communities which these schools serve. In response to the growing demand for community college education and the relatively small amount of Federal support for this new form of education, I introduced legislation in the 91st and 92d Congresses designed to provide substantial assistance for comprehensive community college education. S. 659 adopts new provisions for State planning, start up, and expansion grants for community colleges and represents a renewed commitment by the Federal Government to these schools. In addition, it calls for the establishment of a community college unit within the Office of Education which is expressly designed to coordinate all programs administered by the Commissioner which affect community college education. I am, indeed, pleased that these provisions were retained in the conference report and I think this action represents an understanding by both Houses of Congress of the necessity to increase Federal support for expanding and improving community college education.

Mr. President, the directions for higher education in the United States which are contemplated in the conference report are bold, innovative and of utmost importance to the future of this great Nation. In addition to the initiatives which I have already discussed, the bill incorporates numerous other programs which will help raise the quality of our American educational system. Among these are the new National Institute for Education, the State student scholarship incentive program, the provisions for creating new educational opportunity for American Indians, the establishment of a student loan marketing association, the provisions for a new postsecondary occupational education program, the program designed to provide emergency assistance to institutions of higher education which are in serious financial distress, and the establishment of an ethnic heritage studies program and of a consumer education program.

Mr. President, I know that most of us in the Senate felt it was, indeed, unfortunate that legislation designed to assist desegregation at the elementary and secondary school level was added to the House higher education bill last year. This, of course, made it necessary for the Senate to add similar legislation to the higher education bill which had been passed early in 1971. And the most tragic byproduct of these events was the necessity to undertake consideration of the school busing issue in an atmosphere of haste, confusion, and almost near panic in the House and the Senate. We all are aware of the agony which was involved in the Senate debate which ultimately culminated in the adoption of the Scott-Mansfield amendments regarding the transportation of students. We all are aware that the majority of the Senate expressed its will that the school busing issue should not be dealt with too harshly and too precipitously. And we all are aware that the majority of the House felt that more drastic action must be taken more immediately. Thus, it fell upon the House and Senate conferees to attempt to work out the best possible compromise between these two measures.

Frankly, it is my judgment that the agreement which was reached on these matters is perhaps the best that we could have reasonably expected. It does not make me happy. Yet, my greatest fear is that had we not reached an understanding at the time this issue came before us in the conference, it is likely that the emotions in future days would force the enactment of legislation which would severely cripple Federal efforts to meet the obligations of the Constitution which have been articulated in Supreme Court decisions since 1954. We must not let this happen. And we must view the legislation before us today in its entirety—for what it does to bring new hope to thousands of young Americans who could not previously have the opportunity to pursue their educations beyond high school, for what it does to assure stability and growth in the American system of higher education, and for what it does to provide meaningful assistance to elementary and secondary schools in their efforts to provide quality integrated educational opportunties for all children.

Mr. President, this conference report is the result of long hard work and is a tribute to the men and women who labored so hard to achieve a meaningful conference agreement. Each one of the conferees deserves the greatest praise for their interest and concern in the development of a rational and forward-looking approach to educational in the United States. Congressman PERKINS, Congresswoman GREEN, Congressman QUIE, Congressman BRADEMAS, Congressman THOMPSON, and all of their colleagues representing the House deserve the highest praise for their efforts in this bill and we owe them our deepest gratitude for their perseverance and integrity. Senator MONDALE, Senator CRANSTON, Senator JAVITS, Senator DOMINICK, and indeed, all of the Senate conferees made immeasurable contributions of time and energy in securing what we all consider to be an excellent agreement. Yet above all, I must point to the tireless efforts of the chairman of the Senate Education Subcommittee, Senator PELL. He has demonstrated an understanding of the problems of higher education which is second to none among the Members of this body. He has shown his compassion for the needs of the students whose aspirations have created the enormous demand for postsecondary education. And his success in guiding this bill through the conference clearly shows his brilliant legislative ability. He was always there. He put the need to reach agreement above any personal needs or concerns. And we are all in his debt for the fine service he has rendered to Congress and the Nation.

Mr. President, the United States cannot afford to lock the doors to education. Too much is at stake for ourselves and for our children. Today we are in a unique position to approve legislation which can be the key to opening those doors and show the way to full educational opportunity for all Americans.

Mr. TOWER. Mr. President, it is with some reluctance that I shall vote to support the Higher Education Act Amendments of 1972. I am particularly pleased that the compromise bill includes strong support for bilingual education programs. Earlier in the Senate, my amendment to increase these funds by $15 million was accepted and this additional bilingual education authorization remains in the compromise version. In all, the bill provides at least $80 million for

bilingual education. These funds are of great importance in Texas where many children from Spanish-speaking families enter elementary public schools where classes are taught mainly in English. Bilingual education programs help these Spanish-speaking children to learn English more easily and teach them as well to read and write in Spanish. Bilingual education is making important strides in giving Spanish-speaking children an equal start in the educational process, and I am glad that the Congress has recognized this important educational concept and is authorizing more funding for it this year.

The bill also provides an authorization for aiding needy students to go to college. Titled the Basic Educational Opportunity Grants, this section is designed to provide the difference between a student's financial capability and the cost of his education. This Federal commitment to aid capable but needy students, is indeed, laudable. This commitment, when combined with the emergency assistance to institutions of higher education, should help to solve the financial crisis that many of our nation's institutions of higher education are presently facing.

I am concerned, however, Mr. President, that the conferees have not done enough on the subject of busing. While the bill does contain a provision that would stay any busing order now on appeal or any new busing order until all appeals are exhausted, or until December 31, 1973, whichever is earlier, the conferees have, in effect, ducked the problem. The great majority of busing will continue in the country. Nothing in this bill will prohibit Federal judges from ordering still more busing in the Nation, thus disrupting still further the education process. Also, it may lead some lawmakers to think that we have actually accomplished something in this field, when, in fact, we have not. All we are doing is postponing public relief on this issue—relief that has been demanded in every primary where the issue was on the ballot, and in every poll taken on the subject.

President Nixon has proposed a program that would prohibit further busing orders, coupled with a proposal that would end busing for all practical purposes within 5 years of enactment. Several of my colleagues and I have proposed a constitutional amendment that would prohibit the use of forced busing in order to overcome racial imbalance. I shall continue to press for action on these measures. We must have substantive relief. We can no longer afford to duck the issue. With the elections coming up, the American people will be demanding that we provide a resolution to the problem of busing. The proposal in this bill will satisfy no one.

Mr. THURMOND. Mr. President, the higher education conference report which is before the Senate today, is the most important and comprehensive achievement in the field of higher education. This bill provides appropriations for many worthwhile educational programs which would be of great benefit to the States.

The provisions on forced busing of schoolchildren are not the ones I would have desired. However, these provisions are a step in the right direction of terminating forced busing to achieve a racial balance.

The importance of these busing provisions is emphasized by the fact that this is the first time the whole Congress has provided some measure of relief from undesirable forced busing. While I would have preferred the House version of the antibusing provisions, I feel that the present provisions do provide a measure of relief which is greatly needed in the United States.

The conferees did a less than acceptable job on the busing question; however, for the reasons stated above, I believe that the present antibusing provisions are better than none at all.

This bill expands all existing Federal educational programs and provides a large number of programs which are helpful to and desired by the States.

Although I cannot endorse all the contents of this comprehensive bill, I feel that on balance it is advisable that I support the conference report.

CONFERENCE REPORT ON HIGHER EDUCATION IS PRACTICAL COURSE TO ADVANCE AID TO INSTITUTIONS AND STUDENTS

Mr. RANDOLPH. Mr. President, the conference report on S. 659, the Education Amendments of 1972, is of major importance to education in West Virginia. The educational needs of West Virginia are great. S. 659, as reported from the conference, will help to meet these needs.

The higher education provisions of the bill provide a greater opportunity for many young West Virginians to receive a better education. The innovative concept of a basic educational opportunity grant, combined with the continuation of present student assistance programs, will open the doors of colleges and universities to many who previously could not afford the high costs of a college education. The conference report provides that each student is entitled to a $1,400 basic grant, but such grant may not exceed the difference between the actual cost of attendance of an institution and the amount which the student or his family can be expected to contribute to his education.

There are many smaller colleges in West Virginia which are having difficulty meeting the high costs of operation. S. 659, as reported from the conference, includes an authorization of $40 million for emergency assistance for institutions of higher education which are in "serious financial distress." This provision provides assistance to institutions of higher learning which would need additional funds to continue operation or to prevent a curtailment of educational programs to the detriment of a quality education. Also included in the conference report is a provision containing general assistance to institutions of higher education, which revolves around students receiving Federal assistance.

Apart from the student and institutional aid provisions, the Education Amendments of 1972 place greater emphasis on those students not wishing to attend the traditional 4-year institutions. Far too long, we have been preoccupied with the necessity of obtaining a college degree to measure success, while those who work with their hands have been overlooked. This bill seeks to strengthen occupational preparation for students who do not seek the traditional college education. The conference report designates a State commission to be responsible for comprehensive planning of programs of occupational education. A greater emphasis is placed on counseling and placement in elementary and secondary schools, while the conference report also improves post-secondary occupational educational opportunities.

S. 659 provides for assistance to States to develop State plans for expansion and improvement of community colleges, including vocational and technical institutions, to make available to all residents an opportunity to attend a tuition-free or low-tuition institution. Funds are appropriated for the research, planning, and establishment of new community colleges and the expansion of existing community colleges to expand enrollment and educational services.

The bill also makes provisions for strengthening developing institutions.

These provisions to which I have referred—and there are many others of great importance—are important to all States. S. 659 is truly landmark legislation. It is perhaps the most important legislation dealing with higher education that many of us, as Senators, shall have the duty to formulate. I am aware of the great differences which have occurred over the busing issue, but I hope that the overall concept of greater opportunities for a better education for all young Americans is not lost because of this issue.

Mr. President, our Subcommittee on Education, chaired so ably by Senator PELL, and all members of our subcommittee on which I serve and all members of the parent Labor and Public Welfare Committee, and the diligent staffers have my commendation for their efforts to finalize a very vital legislative advance in education to strengthen our country.

Mr. NELSON. Mr. President, the Higher Education Act of 1971 is the most significant step forward in the field of education since the Land Grant College Act of 1862. Unfortunately, it is burdened with busing amendments which have no proper place in this legislation. Even more unfortunately, the House-Senate conference agreement replaced the more rational Mansfield-Scott busing amendment with language that creates more problems than it solves.

Very few people support busing proposals for the purpose simply of creating "racial balance." thus, we face this dilemma. If we defeat the conference report, there will be no education bill this year and possibly for sometime to come. If we adopt the report, we will have endorsed a very questionable busing proposal. Neither, I would think, can anyone who believes in our system of government, support officially created and established segregation. The language of the conference report is subject to that interpretation, though its proponents may argue otherwise.

It is all further complicated by the fact that there is no doubt some busing proposal will be adopted and that proposal is likely to raise even more serious constitutional and practical problems.

Nothing will be accomplished by defeating the report and a major education bill will be lost in the process. I hope, therefore, that the conference report is adopted. If my vote is needed, I will support it. If not, I will vote "no" as a protest against the conference modification of the Senate busing amendment.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my strong support for the conference report on S. 659, the Higher Education Act of 1972. I believe this legislation represents one of the greatest steps we have taken in the educational field and certainly it is legislation which is sorely needed.

This conference report represents far more than individual amendments aimed at improving our existing system. This measure, if enacted, will establish a new type of Federal assistance to educational institutions, in that it will provide the necessary assistance, without allowing the Government to interfere with the institutions' independence of action.

The key provision of this bill is a new program of grants for needy college students. These grants will provide a maximum $1,400 annual subsidy to every needy college student, minus the amount his family can reasonably be expected to contribute toward his education. This Government contribution to his education would be reduced gradually, according to his family income level, until it would disappear at the $13,000 income level. This bill would continue funding the present student grants, low-interest direct loans, and work-study pay proposals.

One of the most innovative features in this bill is a new type of college operating subsidy, also called a "cost of education" grant. These funds are distributed to educational institutions based on the number of federally assisted students enrolled, and additional funds would also be allocated to institutions based on the number of their graduate student enrollment.

This bill also authorizes: A National Institute of Education, which will finance educational research at all levels of schooling.

Immediate aid to those educational institutions which are in the worst financial shape by authorizing $40 million to be spent over the next 2 years.

Funds to finance reforms in education.

The establishment of a student loan marketing association, designed to expand Government-backed private loans to students by buying up loan paper from banks and other lending institutions.

I believe this is one of the most comprehensive approaches to educational assistance which has been considered by the Congress in the last decade, in that students may now have a choice of which schools they wish to attend, regardless of their economic condition. This legislation will make it possible for them to select a school of their choice without being wholly influenced by their economic plights, and at the same time, colleges would be competing for these students, who would be bringing additional Federal funds for their particular institution. I believe this will expand the educational opportunities for needy students and at the same time create pressure on these institutions to continually upgrade their facilities and their curriculae.

It is significant that the Carnegie Commission on Education has characterized this bill as the most important piece of legislation to be brought before the Congress since the passage of the Morrill Land Grant Act of 1862. We must have a modern education system to meet the demands of this society, and an educational system that will provide assistance for those students who are meritorious, deserving, and capable of pursuing a college-level work. I believe this bill goes a long way toward meeting these needs. I commend the chairman of the Education Subcommittee and the other members of the Labor Committee for their diligence and perseverance, in being able to report and carry through the legislative process, to this stage, this important legislation.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 3:30 having arrived, the Senate, under the previous order, will proceed to vote on the conference report on S. 659, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from Wyoming (Mr. HANSEN) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 63, nays 15, as follows:

[No. 185 Leg.]

YEAS—63

| | | |
|---|---|---|
| Aiken | Dole | Randolph |
| Allen | Dominick | Roth |
| Allott | Eagleton | Saxbe |
| Baker | Ellender | Schweiker |
| Bayh | Ervin | Scott |
| Beall | Fannin | Smith |
| Bennett | Fulbright | Sparkman |
| Bentsen | Griffin | Spong |
| Bible | Gurney | Stafford |
| Boggs | Hollings | Stennis |
| Brock | Hruska | Stevens |
| Burdick | Jackson | Stevenson |
| Byrd, Harry F., Jr. | Long | Symington |
| Byrd, Robert C. | Magnuson | Taft |
| Cannon | McIntyre | Talmadge |
| Chiles | Metcalf | Thurmond |
| Cook | Miller | Tower |
| Cooper | Montoya | Tunney |
| Cotton | Pastore | Williams |
| Cranston | Pearson | Young |
| Curtis | Pell | |
| | Proxmire | |

NAYS—15

| | | |
|---|---|---|
| Buckley | Hughes | Muskie |
| Case | Inouye | Nelson |
| Gambrell | Javits | Packwood |
| Gravel | Kennedy | Ribicoff |
| Hart | Mondale | Weicker |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—21

| | | |
|---|---|---|
| Anderson | Hansen | Mathias |
| Bellmon | Harris | McClellan |
| Brooke | Hartke | McGee |
| Church | Hatfield | McGovern |
| Eastland | Humphrey | Moss |
| Fong | Jordan, N.C. | Mundt |
| Goldwater | Jordan, Idaho | Percy |

So the conference report was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, at this time I would like to pay particular tribute and to express my personal thanks to my colleagues who were of such great assistance during both the development of S. 659 and in the conference recently concluded.

Initially, I would like to thank the junior Senator from Colorado (Mr. DOMINICK) for the excellent and conscientious way he fulfilled his responsibility as ranking minority member of the subcommittee. Moreover, without his help there could not have been a conference report.

I should like to pay particular thanks to Senator RANDOLPH for his valued assistance. The new division of adult and vocational education can be directly attributed to his efforts. Indeed the assistance found in this bill for small colleges is due to JENNINGS RANDOLPH'S strong advocacy of their cause.

During the conference Senators STAFFORD, SCHWEIKER, and BEALL were of great help as were Senators WILLIAMS and CRANSTON.

In closing, Mr. President, I would like to pay a special tribute to those conferees who fully supported the education provisions of S. 659 but who had to oppose the bill because of moral consideration. Senators JAVITS and MONDALE were indeed architects of the bill. Senator JAVITS time and again used his great skill and knowledge to help create solutions and resolve problems. Senator MONDALE made an immense contribution by the role he played in developing the remarkably imaginative emergency school aid program portion of the bill. Senators KENNEDY and MONDALE together developed the Indian education portions of the bill, which is a very real tribute to the work done by our former colleague, the late Senator Robert F. Kennedy.

Finally, these remarks would not be complete if I did not pay tribute to the fine, thoughtful, and creative work done by Steven J. Wexler, the Education Subcommittee's counsel, and Richard Smith, the subcommittee's associate counsel. Roy Millenson, the minority staff director, likewise contributed to the development of this remarkable bill. And it fell to Blair Crownover of the Legislative Council's office to put together and make coherent sense out of the many, often very complicated decisions of the conferees.

## FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the unfinished business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will proceed to the consideration of amendment No. 1203 by the Senator from Pennsylvania (Mr. SCOTT), which will be stated.

The assistant legislative clerk read as follows:

On page 30, line 19, strike all through "(b)" on line 6, page 31, and insert:

"STATE DEPARTMENT CEILING

"SEC. 504.".

The PRESIDING OFFICER. Under the unanimous-consent agreement, there is a limitation of one hour on the amendment, the time to be equally divided between and controlled by the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Arkansas (Mr. FULBRIGHT).

Who yields time?

Mr. SCOTT. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Pennsylvania yield for a question?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Is it the intention of the distinguished minority leader to have a rollcall vote on the pending amendment?

Mr. SCOTT. Yes, it is; and I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished minority leader yield again?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order at this time the yeas and nays on the following amendments, with one show of hands, with the understanding that no Senator's right to modify his own amendment is prejudiced by virtue of the action taken on the amendment by ordering the yeas and nays. These are amendments on which we already have agreed to time limitations. The amendments are as follows: amendment No. 1201 by Mr. BAKER, amendment No. 1176, by Mr. DOMINICK, amendment No. 1174 by Mr. BROOKE, amendment No. 1196 by Mr. HARRY F. BYRD, and the amendment by Mr. PERCY, the number of which I do not have.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on each of the amendments.

The yeas and nays were ordered.

Mr. SCOTT. This does not include the so-called Church-Case amendment?

Mr. ROBERT C. BYRD. It does not.

Mr. SCOTT. Mr. President, I do not intend to use my full time. I hope I can be through in 10 minutes, more or less, and therefore we may come to a vote rather shortly, if not too much is said by other speakers.

Section 504, subsection (a), requires a 10 percent reduction in the number of Federal civilian employees in foreign countries. Specifically excluded from this cutback are State Department employees, Peace Corps volunteers and leaders, and other Federal employees who are assigned to the Department of State on a reimbursable basis. In addition, the Senate acted last week to extend this exemption to employees of the Department of Agriculture. Section 504 also requires a 10 percent cutback in members of the Armed Forces detailed as military attachés or to military assistance advisory groups or military aid missions. The cutback will apply against overseas strength as of July 1, 1972, and must be realized by the end of the fiscal year on June 30, 1973.

The total number of personnel under the jurisdiction of diplomatic mission chiefs amount to 26,000. After excluding employees to which the cutback does not apply, some 11,800 personnel are subject to the cut. A cutback against a base of 11,800 personnel means that almost 1,200 positions must be cut before June 30, 1973.

I am not against cutbacks for programs that are overstaffed. Substantial reductions in overseas Federal employment have already been effected—about 20 percent since 1967. Perhaps there is more fat to cut. My point is simply that some of the programs affected by this across-the-board cut are under the jurisdiction of other committees of Congress, and that these committees should have the opportunity to consider the value to the United States of these programs and the personnel who staff them. Some of these programs are vital to our national security and cannot be effectively operated if they are reduced. I assume the very same reasoning was behind the action of the members of the Foreign Relations Committee who voted to exclude State Department personnel from the cut, and instead placed an overall ceiling on these other employees.

I hope my remarks have made it clear why I cannot support section 504 as written and why I have proposed an amendment which would strike section 504(a).

Summarizing, then, the Committee on Armed Services, for example, has a very great interest in these military missions and in the military personnel involved. The Committee on Appropriations, of course, has an interest in this matter. Yet, the Department of Agriculture has received an exemption; the Committee on Foreign Relations has added an exemption to a number of personnel under its jurisdiction, but has not yet applied the same exemption elsewhere.

So that we are proceeding without regard to the committee system, it seems to me. We are proceeding without regard to the actual needs in accordance with our national security position and without regard to the views of those committees which have not had an opportunity to act or to consider this matter.

Therefore, I hope that my amendment will be adopted. The effect of the amendment will be to prevent the loss of 1,200 employees, many of whom are in vital positions and in positions of extreme importance to the security of the United States

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The other day, in dealing with the amendment by the distinguished Senator from Oklahoma (Mr. BELLMON), I covered much of the basic material and information on this subject. I hesitate to take the time of the Senators to repeat it, but I will just cover the highlights.

This is a problem of long standing, going back particularly to the height of the cold war a few years ago. According to the most recent information available to the committee, there are some 26,000 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 rolls as reimbursable personnel, those with duties on behalf of other agencies—that is, the USIA and

others—the State Department total increases to 5,809. But even with these additional amounts, this total represents only 22 percent of the overall total. What we are talking about here is primarily to bring about a modest reduction in the number of other personnel such as of AID, which has 5,047, and of the Defense Department which has 4,650, excluding members of the Armed Forces of course. Then there are others—USIA, and other agencies——

Mr. PASTORE. Mr. Senator, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Does this cut apply to nationals employed by agencies in those foreign countries?

Mr. FULBRIGHT. It does not.

Mr. PASTORE. Does not the Senator think it should?

Mr. FULBRIGHT. I cannot get even this much through—at least I do not know whether I can get this through—but the Senator can see that opposition to any cut anywhere is quite evident. These MAAG missions have nice positions—very suitable for those wanting an assignment having few duties. For instance, in Costa Rica there is a MAAG mission, even though Costa Rica does not even have an army. But it is a nice climate there for the officers to enjoy. We can find that all over the world. That is all in the world it is. There is no excuse at any time to have them there.

Mr. PASTORE. I agree with the Senator and would like to support his position, and I shall; but what disturbs me in some of these countries is that an American cannot be hired because we have to hire a national instead. The point I make is that in the military installations where the wives of Americans really want employment and need it, they cannot be hired because we have agreements with foreign countries that they have to be nationals who are hired. I am only hoping, and ask whether this cut would apply to nationals being hired.

Mr. FULBRIGHT. This does not cover army installations.

Mr. PASTORE. I just gave that as an example.

Mr. FULBRIGHT. That is an example. I have been told that we have an agreement with the Germans to hire only nationals. I do not think that applies to it. However, I am not really informed on that point. I do not think it is, though. But the story I have heard is exactly as the Senator has stated. I think, in Germany, they do have an agreement with the German Government not to allow wives of American soldiers to be employed. But I do not believe that that is the case with the Embassy itself.

Mr. PASTORE. The embassies do hire nationals?

Mr. FULBRIGHT. They do, but not really to the extent that the military does.

Mr. PASTORE. I would hope the Senator, at some other point, would give some thought to that.

Mr. FULBRIGHT. The Senator sees how difficult it is for the committee to recommend any kind of cut at any level.

The main situation here is that we have tried to reduce employment and our presence abroad. We should try to bring back our personnel. This is a very modest cut in numbers. As I have already told the Senator, the State Department itself has only 13 percent of the overall total. The others are in agencies such as Agriculture, Commerce, HEW, NASA, Export-Import Bank, USIA, and so forth.

Mr. President, I do not want to labor the point. I put these figures in the RECORD the other day. This is a very modest effort to try to save a little money and, to be frank about it, to reduce the numbers. We believe it in no way will involve the services.

I have had ambassadors tell me that they would be better off if they did not have so many people. I especially remember our former Ambassador to Rome saying that to me. I am reluctant to quote him, but I do not think he will mind. Ambassador Reinhardt said to me, "We have so many people here I would feel better if we had a reduction."

There may have been some excuse for these large missions back in the 1950's, but surely, if the President—and I hope he is as successful as he seems to be—is making progress for reducing tensions in the cold war and trying to establish better relations—this reduction is consistent with that.

Mr. President, I do not believe I need to say much more about it. The issue is clear. It is a simple effort to try to save a little money by reducing nondiplomatic members of diplomatic missions in these countries. It does not affect the military soldiers, and so forth, but only the MAAG missions in many countries, which have no duties of any consequence.

Mr. SCOTT. Mr. President, I yield myself one additional minute simply to point out that if the argument of the distinguished chairman of the committee were to apply here, it indicates there is no need to have these MAAG missions and no advisory groups in a lot of places all over the world. He cites one, Costa Rica. I suppose that is intended as a sort of reductio ad absurdum which indicates that every country is about the size of Costa Rica, which is far from the fact.

The Senator's argument would better apply if he were to try to do what I suspect he would like to do, and that is to abolish all these programs. It seems to me that he is trying to abolish them piecemeal—to take a little bit of the meat ax here and another there. Ten percent is an arbitrary figure. I do not know in whose mind it was fostered, but it is not the figure based on any special research. It is one of the figures we take out of the air. It has no special basis except that the Senator does not happen to agree with the programs.

Now, Mr. President, I yield 8 minutes to the distinguished Senator from Mississippi——

Mr. FULBRIGHT. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. FULBRIGHT. I might point out, inasmuch as the Senator makes a point about military aid, that 95 percent of our military assistance goes to 10 countries. We have MAAG missions in 46 countries. At least 36 countries are very marginal; yet we have a substantial number of MAAG missions. I do not blame the MAAG people or the military. These are nice posts. The social conditions are ideal. They have a minimum of duties to perform. There are good golf courses there and tennis courts. Especially in Latin America, it is very pleasant. It is exactly like the fight we had about the Spanish bases. They would not give up the bases for anything. They have absolutely no use, probably because they are obsolete, but they want to keep the bases. I do not blame the military who want to keep them. But the facts are that here, 95 percent of the military aid goes to 10 countries, and only 5 percent to 36. Yet we have substantial personnel still abroad.

Mr. SCOTT. Mr. President, before yielding time to the Senator from Mississippi, I should like to point out again that what the Senator is really saying is that he does not think much of the programs. I believe that the Armed Services Committee should have something to say about that. I also believe that other Senators should have something to say about it, rather than to have the Foreign Relations Committee simply arbitrarily say, "We do not like the programs. We do not think they amount to much," without providing any proof or any evidence. They say, "we just do not like the whole thing."

He implies they are soft, cushy jobs.

Many of these jobs involve people in frontline activity. Many are undertaken in extremely unpleasant conditions. They are not soft, cushy jobs at all. They are jobs which are representative of the adherence to duty and to country and to devotion to our obligations, which do not deserve the epithets applied to them.

Mr. President, I yield 1 minute to the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. AIKEN. Mr. President, I presume that the amendment offered by the chairman of the Foreign Relations Committee could be complied with without causing serious damage to any of our Government agencies. However, I do not know. In this instance we are called on to vote for many things that we simply do not know about. And I do not believe that we can vote intelligently on new provisions in this legislation.

I would call attention to title VI of this bill which establishes a study commission relating to foreign policy. If we make these decisions for ourselves, assuming that such commission is authorized and is a replica of the earlier Hoover Commission, we make the decisions in advance. And I do not see why we would need the commission. However, if we need the commission, I think we should wait until we get the report and the recommendation of that commission before taking steps to do things which perhaps we are not qualified to do without the report and the recommendations of that commission.

I do not say that the proposal of the Senator from Arkansas (Mr. FULBRIGHT)

could not be complied with. I presume that it could. However, I do not know. And for that reason I would rather wait until we get more accurate information on just what the effect would be before reporting that part of the bill.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum at this time and ask unanimous consent that the time be deducted equally from both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCOTT. Mr. President, I yield 8 minutes to the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, just to be very quick about this, the provision in the bill would strike 10 percent of all Americans who are employed in foreign countries, we will say, by the armed services or the Department of Defense or the CIA.

I do not know the extent of the hearings held on this matter by the Foreign Relations Committee. I do not fully understand why they excepted the Department of State, although there seems to be a special provision in the bill.

My attention was called to this matter a few days ago. We had some work done on it with reference to the CIA. However, I did not understand that this amendment was going to be called up this afternoon. Otherwise I would have been compelled to ask for time.

Mr. FULBRIGHT. Mr. President, would the Senator from Mississippi yield for a clarification on that point?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, with respect to the CIA, they are on the State Department payroll, and there are a number of them. They would not be affected. I want to make that clear.

Mr. STENNIS. That is not a large number at all that are involved. That is special, anyway.

Mr. FULBRIGHT. I would say that in general those that are connected with an Embassy and not on its payroll are a very small number, I would think.

Mr. STENNIS. Mr. President, I say this on my responsibility. I do not believe that any agency of the Government has a cleaner bill of health than the CIA when it comes to civilian employees. Year after year I have personally checked, along with others. Under the present Director there has been a steady decrease over the years in the number of civilian employees. At a time when most all of the others were going up year after year, these were coming down some.

I just strenuously object here without any hearing or anyone looking into this matter, and certainly without getting the full picture, to putting a proviso, an amendment, in another bill that arbitrarily cuts it down 10 percent.

I warn against such action. I just do not know what the consequences might be with reference to such a reduction. As I say, I seriously warn against it. I know that this Agency has a splendid record.

Now, with regard to the armed services as a whole—and I mentioned this to some of the staff members the other day—I think we will have to ask Congress to give us jurisdiction to set the salaries and the total number of employees here at home as well as abroad. We make a yearly judgment of some kinds as to the number they can employ. But that shows my attitude and willingness to work on it. That would take some time. However, to just come here now in this way is a serious matter. Why not make it 10 percent now or next year some time; or that this must be done regardless of consequences. I have no doubt that we would have to come back if this proposal should become law, and take care of many situations at the very best.

In keeping with all of our rules of the Senate and our customs, what kind of system is it to come in here on an extraneous matter and just reduce by 10-percent employees of this type all over the world? It is not within reason, practice, custom, or within the rules of the Senate.

This is a jumped-up affair with 30 minutes to a side, to argue a matter on which no hearings have been held. There is no record to refer to; there are no estimates from anyone. There is no staff work that has gone into the heart of this matter. These matters are very difficult to get into.

Tomorrow morning first thing on the agenda is an effort to get something before our committee to further reduce the ceiling on our men in the military service. I especially have been working on that myself for the second year. We made those reductions last year, not due just to the Vietnamese drawdown. We made some; they complied, and we are making some more. I will recommend that, first thing in the morning.

But just to come in here now and say "10 percent period" on these civilians overseas is unfair and contrary to the way in which we have always considered matters here.

Mr. President, I have a few prepared remarks with reference to the CIA. I am not saying that some reduction could not be made, although, in spite of these close examinations, we have not had any inclination to make a recommendation. The way these matters are handled now, we have not made recommendations in the last few years. Jurisdiction is exclusively within this committee, just as the Committee on Foreign Relations has its exclusive jurisdiction, and this matter has been looked after.

I think that with just as much reason one could say 15 percent or 5 percent, as far as the basis for the consideration. I would like to ask the Senator from Arkansas what reason the Senator applied to the CIA, or all the rest of them, that have the same level of 10 percent? What was the logic behind using 10 percent for all of them?

Mr. FULBRIGHT. The Senator is quite wrong in saying it is 10 percent for each of them. It was an overall cut. For the Senator's information, I have already stated the major agency involved is AID with 5,047. These are people administering the AID program, which I know the Senator is now very fond of; he did not used to be such an avid supporter of foreign aid, but he is now. That is the No. 1 agency.

Mr. STENNIS. If the Senator will pardon me, the Senator is using my time. I would like to finish my statement.

Mr. FULBRIGHT. I will yield to the Senator on my time if he will permit me to comment on what he said about hearings.

Mr. STENNIS. On the Senator's time.

Mr. FULBRIGHT. Yes; on my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. We had extensive hearings on the question of personnel in our foreign establishment. I beg to differ with the Senator that this is not under the Department of State or the Committee on Foreign Relations. The Senator's committee does not have jurisdiction over aid—military aid—except in Vietnam and Laos. The major part of it is not under the Senator's committee. It is the responsibility of the Committee on Foreign Relations to deal with aid, both military and economic. The No. 1 agency, of course, that would be affected by this is the foreign aid program.

Mr. STENNIS. If the Senator will yield, I was not making a point about the foreign aid program.

Mr. FULBRIGHT. The Senator said there was no jurisdiction here. We are not affecting military people in the Armed Forces. We are affecting those assigned to the embassies, and they are under the jurisdiction of the Department of State and not the Department of Defense. They are there and they are cluttering up many of these embassies where there are minimum military porgrams; 95 percent of all military aid goes to 10 countries, yet you have these MAAG's in 46 countries. Look at a country like Iran with 247 military attachés, because it is a very nice place to be. We have no military activities there ourselves. It is a relatively peaceful and quiet place. There is no excuse for that kind of overstaffing.

Mr. STENNIS. Did the Senator make an estimate of how many would be reduced in Iran?

Mr. FULBRIGHT. It is not by category. It was a very modest 10-percent reduction and the administration does not have to take any out of Iran if it does not want to. It can take that entire cut out of AID if the administration wants to.

Mr. STENNIS. Does the Senator have any hearings, any record, or estimate as to how many should be reduced in Paris, London, Frankfurt, or any other place? Are there any facts the Senator can stand on except this generalization?

Mr. FULBRIGHT. We do not here say that there has to be a reduction of 224 from Iran. We feel the President should

have some discretion. A great many of these places are overstaffed with Americans at great expense to the American taxpayer and they are rendering no essential services. The AID program is the largest one and second are the military attachés at embassies around the world where there is nothing critical going on.

Take places like the Philippines, Taiwan, and in Paraguay. I imagine 10 military people there. It is a nice country that has not been to war in I do not know how mady decades. It is isolated in South America. I do not know what you have so many military people there for. I would say 10 percent would be minimal there. It probably should be much higher, but this discretion is left in the hands of the administration. If I were to put it the other way the Senator would say that I am tying the hands of the administration. We say it is an overall cut and it does not have to come from any one country or agency.

Mr. SCOTT. Mr. President, will the Senator yield with respect to Paraguay for a brief observation?

Paraguay had one of the worst wars in the history of the century, and it may be the reason they have not had one for several decades is the presence of American advisers.

Mr. FULBRIGHT. Is it the Senator's view that we should pay for keeping peace in Paraguay; that we are keeping this mission up to maintain peace in Paraguay? That never has been put up before. I thought it was supposed to be in the interest of the United States.

Mr. SCOTT. I do not mind the Senator oversimplifying himself, but I would not want him to oversimplify my position.

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

Mr. SCOTT. Mr. President, I yield my remaining time to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I submit again to the membership—and may I please have their attention—the fact here is that there are no basic figures. No hearings went into this matter. No estimate was made as to by how many it should be reduced. Therefore, I say the 10 percent is an arbitrary figure.

We have many people employed by the CIA—I just thought I should bring this out if we are going to have it understood—that are so-called undercover employees. I am referring to the CIA. Do we want to stop that? I do not believe we do. Although I do not really believe it needs to be reduced, if it does, management being human like anyone else, it needs to be done after the facts are known, not before they are known. Who can say on the floor now, without any scintilla of evidence, that at least 10 percent of all the undercover men employed by the CIA should be taken off? I do not believe anyone can say it. It just shows what we are going into.

On these MAAG programs, if there is one employee there who is not needed, that is one too many in my book, and I do not want that employee paid. I am not trying to protect any of them, but I warn you now that this is a very serious matter. I know that to carry out this provision would seriously impair some of the most delicate and important work going on in the Department I am talking about, and I know of other matters it would impair within the military. That is about all I can say under the law.

I do not believe the Senate really wants to act without some of the facts before they really accept the story that is involved in this amendment. I have already said I am willing to do anything I can, on a scale much broader than this, that will bring about an annual accounting and responsibility for civilian employees employed by the military, whether they are abroad or here at home, and I would be willing to have the right kind of survey made of the CIA. They are not immune. It just has to be handled somewhat differently.

I shudder at what I call arbitrary action as to the Central Intelligence Agency, not based upon fact, but based upon someone's fancy. It does not even rise to the dignity of being an estimate. There is not even an estimate here that 10 percent could be cut from this group.

So I submit this matter on the facts to those who are here, and on the unproven facts of those who are sponsoring this reduction. I hope the Senate will vote for the amendment merely to stop it until there is a further look and an estimate can be made.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

With regard to the evidence, of course Senators have not had time, nor really any reason, to read the hearings, but the hearings are 834 pages long. Much of it is taken up with this matter. There are pages giving country-by-country employment, with numbers, and so forth.

I ask unanimous consent that pages 8 and 9 of the report be reproduced in the RECORD for the information of the Senate.

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

NUMBER OF CIVILIAN AGENCY [1] PERSONNEL OVERSEAS UNDER JURISDICTION OF DIPLOMATIC MISSION CHIEFS, DEC. 31, 1971 (ACTUAL EMPLOYMENT)

| | Total, all agencies | | State | | | | | | AID | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Total | | Direct | | Reimbursable | | Direct hire including PASA | | Contract | |
| | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign |
| Africa | 5,141 | 3,523 | 867 | 1,495 | 490 | 675 | 377 | 820 | 545 | 656 | 391 | 168 |
| Near East, South Asia | 2,747 | 5,707 | 934 | 2,226 | 431 | 707 | 503 | 1,519 | 398 | 1,296 | 173 | 448 |
| East Asia, Pacific | 6,007 | 10,963 | 1,181 | 2,099 | 604 | 883 | 577 | 1,216 | 2,086 | 3,486 | 412 | 2,476 |
| Latin American Republics | 5,168 | 5,097 | 1,136 | 1,808 | 670 | 879 | 466 | 929 | 692 | 1,193 | 338 | 632 |
| Europe | 2,751 | 4,906 | 1,691 | 2,864 | 1,214 | 1,722 | 477 | 1,142 | 12 | 1 | | |
| Total | 21,814 | 30,196 | 5,809 | 10,492 | 3,409 | 4,866 | 2,400 | 5,626 | 3,733 | 6,632 | 1,314 | 3,742 |

| | USIA | | Peace Corps | | | | | Agriculture | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Staffs | | | Contract | | Staffs | | Contract | |
| | United States | Foreign | United States | Foreign | Volunteers | United States | Foreign | United States | Foreign | United States | Foreign |
| Africa | 152 | 613 | 100 | 86 | 2,946 | 21 | 137 | 13 | 7 | 2 | |
| Near East, South Asia | 199 | 1,433 | 72 | 41 | 913 | 8 | 192 | 15 | 31 | 1 | 15 |
| East Asia, Pacific | 277 | 1,582 | 50 | 65 | 1,747 | 25 | 127 | 26 | 27 | | 49 |
| Latin American Republics | 220 | 672 | 89 | 117 | 2,373 | 22 | 89 | 59 | 211 | 5 | 5 |
| Europe | 221 | 909 | | | 6 | | | 72 | 76 | 15 | 48 |
| Total | 1,069 | 5,209 | 311 | 309 | 7,985 | [2] 76 | [2] 545 | 185 | 352 | 23 | 117 |

| | Commerce | | HEW | | | | Justice | | NASA | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Staffs | | Contract | | | | Staff | | Contract | |
| | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign |
| Africa | | | 5 | | 6 | | 1 | | 2 | | 85 | 351 |
| Near East, South Asia | | 2 | | 9 | 3 | 10 | 25 | 2 | | | | |
| East Asia, Pacific | 6 | 22 | 1 | | 2 | 1 | 46 | 11 | 1 | | 1 | 659 |
| Latin American Republics | 19 | 16 | 2 | 10 | 2 | 13 | 84 | 2 | 3 | | 91 | 317 |
| Europe | 29 | 60 | 3 | 36 | 18 | 52 | 135 | 18 | 13 | 1 | 311 | 529 |
| Total | 54 | 100 | 11 | 55 | 31 | 76 | 291 | 33 | 19 | 1 | 488 | 1,856 |

| | Transportation | | | Treasury | | ABNC/AEC | EPA/Ex. Im. | GSA/HUD | Int./Labor | NSF/Smith. | TVA/VA |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | CG military | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign | United States | Foreign |
| Africa | | 2 | | | | 2 | 10 | | | 1 | |
| Near East, South Asia | | 3 | 1 | 3 | 1 | | | | | | |
| East Asia, Pacific | 25 | 40 | 7 | 31 | 26 | 11 | 45 | 14 | 4 | 25 | 277 |
| Latin American Republics | | 10 | 10 | 21 | | 2 | 2 | | | | |
| Europe | 3 | 71 | 10 | 93 | 10 | 47 | 292 | 7 | | 4 | |
| Total | 28 | 126 | 28 | 148 | 37 | 62 | 349 | 21 | 4 | 30 | 277 |

[1] Excludes staffs of the Department of Defense and other elements, public disclosure of which is prohibited.

[2] Includes short-term contract workers.

Source: Department of State.

Mr. FULBRIGHT. There are two pages giving the number of civilian agency personnel overseas under jurisdiction of diplomatic mission chiefs as of December 31, 1971, and the actual employment agency-by-agency.

The Senator says there is no evidence; that there is nothing on it at all. This is about as complete as one can get.

I also ask unanimous consent to have printed in the RECORD a table of those employees in embassies who are reimbursable by agencies, which are not affected by the provisions of this bill. I ask that it be inserted in the RECORD simply to show the detail with which this matter has been studied.

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

DEPARTMENT OF STATE

REIMBURSEMENTS TO THE SALARIES AND EXPENSES APPROPRIATION

The salaries and Expenses Appropriation is reimbursed each year for a variety of services provided to other U.S. Government departments and agencies overseas and in Washington. The principal service is the provision of administrative support for U.S. Government programs at Foreign Service posts. Departmental staffs and facilities are available to meet such common administrative requirements as personnel services, accounting and fiscal services, motor pool, maintenance of office and residential space, pouch and communications facilities, and security services. Costs of these services are shared by all participating agencies in accordance with the degree of participation at each foreign service post. The procedures and methods for determining total costs and the amount to be reimbursed by each agency were developed jointly with the major participating agencies and is accepted by all agencies as the basis for reimbursement.

DEPARTMENT OF STATE—REIMBURSEMENTS TO THE SALARIES AND EXPENSES APPROPRIATION, FISCAL YEAR 1971, SUMMARY

[Dollar amounts in thousands]

| Reimbursement source | Positions | | Amounts | Reimbursement source | Positions | | Amounts |
|---|---|---|---|---|---|---|---|
| | Americans | Locals | | | Americans | Locals | |
| Agency for International Development | 678 | 1,128 | $22,446 | Other State appropriations—Continued | | | |
| Agriculture | 29 | 84 | 1,444 | Acquisition and construction of foreign buildings | 45 | 905 | $7,005 |
| Arms Control and Disarmament Agency | 58 | 2 | 1,720 | Mutual Education and Cultural Exchange Act | 52 | 1 | 1,080 |
| Commerce | 23 | 37 | 990 | Peace Corps | 84 | 239 | 3,460 |
| Defense Intelligence Agency | 29 | 469 | 8,453 | Section 637b, Foreign Assistance Act | 116 | 48 | 3,967 |
| Military assistance advisory groups | 71 | 284 | 3,632 | U.S. Information Agency | 402 | 1,314 | 20,281 |
| Other military departments | 68 | 263 | 5,508 | Miscellaneous agencies | 1,858 | 1,057 | 61,428 |
| Other State appropriations: | | | | | | | |
| Contributions to international organizations | 33 | | 1,427 | Total | 3,546 | 5,831 | 142,841 |

Mr. FULBRIGHT. Mr. President, this table shows that the major part of the people employed for the CIA in miscellaneous agencies will not be affected by the provision in the bill.

These are persons on a reimbursable basis who will not be affected.

So this provision does not cut out everybody. As I have said, there is flexibility left in the administration to apply the cut where they think it will be most appropriate. I think that is the best way it could be approached by the committee.

The simple question is whether or not we wish to maintain this overblown establishment which has grown up in a period of warfare and crisis and time when we were not so stringently involved in deficits both domestic and international. So it is a very simple proposition. I submit it is in the interest of the country to attempt this modest reduction more in accordance with our capacity and more in accordance with the needs of the foreign countries in which we have these establishments.

Mr. SCOTT and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes.

Mr. SCOTT. Mr. President, I yield my remaining 3 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, this reduction expressly exempts the Department of State, and then there is a proviso in another section that relates to and mentions the Department of State, but my information is that it does not make much difference to the Department of State, according to the way this provision is written. We just do not know. It is another illustration of just how uncertain this provision is.

Going back to the CIA for a minute, I emphasize that while I cannot go into exact numbers, it is a fact that the CIA has already reduced its overseas employees by about 20 percent since 1967. I ask Senators to listen to this. These are facts. I mentioned awhile ago that we have reduced those numbers, but I did not have the figures in my hand that I do now. There has been a systematic year-by-year reduction that I knew about when it was happening, as did the Senator from North Dakota (Mr. YOUNG). It has been a 20-percent reduction in the last 5 years, since 1967. What other agency can say that? Most of them have been going up.

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

Mr. STENNIS. Yes, briefly.

Mr. YOUNG. This reduction would adversely effect the CIA. During this same period the CIA has been assigned additional problems and programs some of which I am not free to discuss. I may say at this time that the CIA has been far more accurate in analyzing the situation in Southeast Asia than has any other intelligence agency.

Mr. STENNIS. I thank the Senator.

I want time to make this point. I ask for attention. Any further reduction beyond this 20 percent would, in my judgment, seriously impair programs that are vital to our national security, such as the maintenance of the worldwide communications network. There have been no hearings on that. No one can challenge these statements about the reductions that I cite as a matter of fact, I give my judgment as to what could be the consequences to the worldwide communications network. That is not just a term. That is something that is relied on every hour of every day and every night. The President of the United States, now in conference in Moscow, relies on information coming through that network.

So let us stay our hand, here, until the facts are better known.

I yield back such time as I have.

Mr. SCOTT. Mr. President, I yield back the remainder of my time, if that is satisfactory to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, just 1 minute for a comment here. I do not wish to leave the record as if I did not know better than that this would not affect the CIA operations in Laos or elsewhere. They do not run those big operations under the embassies. This affects only those personnel assigned to the diplomatic missions, and most of them are not any such thing. They operate Air America in Laos, for example, and everything else, completely outside, you might say, the umbrella of the embassy.

Mr. YOUNG. It does affect initial assignments.

Mr. FULBRIGHT. Those assigned on a reimbursable basis to the embassy are not affected. They are exempt.

There are 1,858 Americans in miscellaneous agencies, a number of which I am quite sure are not affected whatever. It does not affect the National Security Agency. These are nonintelligence agencies.

All I want to do is set the record straight, that I am not agreeing, by my silence, with these statements of the Senator from Mississippi that we do not know anything about it, that we had no hearings, and that there is no basis whatever for this provision. This matter has been discussed for several years, and we have had many pages of record. Our hearings run to 800 pages, and much of that is concerned with overstaffing of the agencies.

This is the responsibility of the Committee on Foreign Relations. I do not blame the Senator from Mississippi; there is no reason for his committee to go into the staffing of an embassy. It is not his business, and the fact that he is surprised by this and was not aware of it is not surprising. There are a lot of things that come out of other committees that I am not aware of, either, until they come to the Senate floor.

The fact that the Senator has not dealt with it does not mean that the committee has not dealt with it in depth and I think the evidence is here. I wanted to put the record straight on that matter. I have cited a few of these figures. I could cite a number of them, but I think anyone would admit that we have too many people in some of these MAG missions. However, the main matter, I would assume, which is left to the administration, would be the AID missions.

I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Director Helms to me dated May 18, in which he said:

> After reviewing the implications of this provision, I have concluded that it would seriously impair the effectiveness of this Agency in carrying out certain programs having a vital bearing on the national security.

Now, if that means anything, and it means something to me and I believe to every one of us familiar with these operations, I am saying we are trifling in the dark here with our naticnal security.

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

CENTRAL INTELLIGENCE AGENCY,
*Washington, D.C., May 18, 1972.*

Hon. JOHN C. STENNIS,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: I am writing to tell you of my very serious concern over certain provisions of the Foreign Relations Authorization Act of 1972 (S. 3526) which is now pending before the Senate. Section 504 (a) of this legislation imposes a ten percent reduction, by 30 June 1973, in the total number of Executive Branch personnel (other than those of the State Department, certain military categories, and the Peace Corps) serving overseas.

After reviewing the implications of this provision, I have concluded that it would seriously impair the effectiveness of this Agency in carrying out certain programs having a vital bearing on the national security. As you are aware, this Agency has in recent years undergone significant reductions in both money and manpower. In fact, since 1967 there has been a reduction of some 20 percent in Agency overseas positions affected by this provision, with no reduction in our increasing responsibilities and commitments, many of which are in support of other Federal agencies.

In these circumstances, and in view of the present world situation bearing on U.S. national security, I urgently request your assistance in securing for this Agency an exemption from Section 504(a) of S. 3526.

Respectfully,

RICHARD HELMS,
*Director.*

Mr. FULBRIGHT. Mr. President, let me say once more, this does not require the President to cut one single man out of the CIA. The only reason in the world why he would do that would be if the President, in his judgment, said these are surplus. It does not require one single man or woman be taken out of the military attachés offices.

I only cite these as examples which the President has the flexibility and the discretion to apply the cut to. I assume the larger share of the cut would be in the AID missions, because that program has been cut back, not as drastically as it ought to be, but it has been cut back. That has been the trend for a number of years.

Mr. STENNIS. Mr. President, will the Senator yield? Would he except the CIA?

Mr. FULBRIGHT. I do not want the RECORD to indicate that I understood this would do what the Senator from Mississippi says it would. It would not do it. It would require the President's judgment.

Mr. STENNIS. Would the Senator except the CIA?

Mr. FULBRIGHT. Surely, if the Senator thinks that is important.

Mr. STENNIS. Well, we have prepared an amendment here that would do that, and I ask the Senator to support it.

Mr. FULBRIGHT. I accept it, and I ask unanimous consent to—well, I cannot do that, because it is the Senator's amendment. I would not mind doing it.

Mr. SCOTT. Mr. President, I do not have any time.

Mr. FULBRIGHT. If the Senator from Mississippi will vote for the amendment of the Senator from Pennsylvania, I will accept the exemption for the CIA, if the Senator from Pennsylvania will.

Mr. SCOTT. No, I do not think that is the way to do it.

Mr. HRUSKA. Mr. President, section 504 of S. 3526 requires a 10-percent reduction in the number of Federal civilian employees in foreign countries. Specifically excluded from this cutback are State Department employees, Peace Corps volunteers and leaders, and other Federal employees who are assigned to the Department of State on a reimbursable basis. The cutback will apply against overseas strength as of July 1, 1972, and must be attained by June 30, 1973.

The figures provided in the committee report—page 98—indicate that the total number of personnel under the jurisdiction of diplomatic mission chiefs amount to 26,000. With the exclusion of State employees, reimbursables carried on State's roles, and volunteers from the Peace Corps, to which the cutback does not apply, some 11,800 personnel are subject to the cut. This means that approximately 1,200 positions will have to be cut before June 30, 1973.

The personnel subject to the cut would come from a number of executive agencies and departments such as Justice, Agriculture, Commerce, HEW, the National Aeronautics and Space Agency, the Export-Import Bank and others. I am not personally familiar with many of the programs which would be affected but I do know that the Department of Justice has slightly over 300 officials overseas connected with law enforcement, including drug control activities, and with the Department's Immigration and Naturalization Service. I would seriously question the merit of taking cuts in these activities.

Rather than the indiscriminate reduction that woudl be mandated by section 504, I think the more proper and orderly approach would be for the committees having substantive jurisdiction over the various overseas programs to examine their programs for excess fat and make cutbacks where indicated.

Accordingly, I strongly support Senator SCOTT's amendment which will strike the indiscriminate cut contained in section 504.

I have two additional problems with this section and they both stem from the fact that overseas personnel of the Department of Agriculture would be included.

First, I question the economic wisdom of cutting back the overseas work force of a segment of the economy that contributes almost one-fifth of the country's total exports, and consistently makes a net favorable contribution to the balance of trade and the balance of payments.

Agricultural exports last fiscal year totaled $7.8 billion, going to more than 150 countries. In this situation, the total American personnel ceiling for USDA overseas is 203 persons, 43 of these people are officers protecting the American consumers from import into the United States of food products that do not meet

U.S. standards for purity and wholesomeness. They protect U.S. agriculture and food economy from the introduction of diseases and pests that do not exist in this country and would cause untold damage to our plants and animals should they gain a foothold here. If you cut this area you take your chances on African swine fever and dirty food.

There are 138 people engaged in market development, negotiations to lower and remove trade barriers, reporting on market opportunities and competitive situations throughout the world. These people spearhead export expansion programs that have helped to increase U.S. farm exports to record levels of $7.8 billion.

That brings me to the second difficulty with this bill. Is the authorization for the State Department and the USIA the place for this body to reduce the number of employees of the Department of Agriculture or the Department of Justice?

If it is, indeed, necessary to decide whether to eliminate some positions in agricultural market development and in U.S. consumer import protection, then it seems to me it should be done in the context of agriculture and consumer affairs rather than foreign affairs. The same holds true for all other Federal agencies and programs not specifically included within the scope of S. 3526.

I hope this amendment will be approved.

Mr. SCOTT. Mr. President, I yield back the remainder of the time which I do not have.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back the remainder of his time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STAFFORD). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. Moss) is absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Illinois (Mr. STEVENSON).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Illinois would vote, "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Kansas (Mr. PEARSON) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "nay."

The result was announced—yeas 38, nays 32, as follows:

[No. 186 Leg.]

YEAS—38

| | | |
|---|---|---|
| Aiken | Dominick | Schweiker |
| Allen | Ellender | Scott |
| Allott | Ervin | Smith |
| Baker | Fannin | Sparkman |
| Beall | Griffin | Stafford |
| Bennett | Gurney | Stennis |
| Bentsen | Hollings | Stevens |
| Boggs | Hruska | Taft |
| Brock | Jackson | Thurmond |
| Buckley | McIntyre | Tower |
| Cotton | Miller | Weicker |
| Curtis | Packwood | Young |
| Dole | Saxbe | |

NAYS—32

| | | |
|---|---|---|
| Bible | Fulbright | Nelson |
| Burdick | Hart | Pastore |
| Byrd, Harry F., Jr. | Hughes | Pell |
| | Inouye | Proxmire |
| Byrd, Robert C. | Javits | Randolph |
| Cannon | Magnuson | Roth |
| Case | Mansfield | Spong |
| Chiles | Metcalf | Symington |
| Cooper | Mondale | Talmadge |
| Cranston | Montoya | Tunney |
| Eagleton | Muskie | Williams |

NOT VOTING—30

| | | |
|---|---|---|
| Bellmon | Gravel | Mathias |
| Cook | Hansen | McClellan |
| Fong | Harris | McGee |
| Gambrell | Hartke | McGovern |
| Eastland | Hatfield | Moss |
| Goldwater | Humphrey | Mundt |
| Church | Jordan, N.C. | Pearson |
| Anderson | Jordan, Idaho | Percy |
| Bayh | Kennedy | Ribicoff |
| Brooke | Long | Stevenson |

So Mr. SCOTT's amendment (No. 1203) was agreed to.

Mr. SCOTT. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I call up the amendment I have sent to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. TUNNEY). That will take unanimous consent because the question now recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN), No. 1200.

Mr. SCOTT. Mr. President, I do hope that this unanimous consent will be granted. It has to do with narcotics and it is very important.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that this be in order and that the time be limited to 10 minutes.

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

Mr. MANSFIELD. Mr. President, my understanding is that there will be no rollcall votes, although I cannot fully guarantee it.

Mr. FULBRIGHT. I do not think there will be any need for a rollcall vote. I will explain the amendment.

The PRESIDING OFFICER. How will the time be divided?

Mr. FULBRIGHT. Mr. President, no one is in opposition to this amendment that I know of.

Mr. MANSFIELD. Give it to the minority leader.

Mr. FULBRIGHT. I ask unanimous consent that the 10 minutes time be equally divided between the distinguished minority leader and myself.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be stated.

The assistant legislative clerk proceeded to read the amendment as follows:

S. 3526

On page 32, between lines 15 and 16, insert the following:

INTERNATIONAL NARCOTICS CONTROL

SEC. 507. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlaw-

fully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there is authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended."

Mr. FULBRIGHT. Mr. President, this is a simple amendment. It was in the military assistance authorization bill submitted by the administration. It is the administration's proposal. It was thought more appropriate to put it in the State Department bill—the one before the Senate—because it does not really relate to the military assistance bill, simply to keep our lines a little straighter. All we have done—the committee voted it unanimously yesterday—is to transfer that authorization to this bill and authorize a line item of $42.5 million for narcotics control. That is all it does. It is precisely the same language the administration submitted in the military assistance bill. It is merely a bit of housekeeping that we engaged in. It is more appropriate in the present bill than in the military assistance bill. That is all we have done. The committee voted unanimously yesterday and authorized me to offer this amendment.

Mr. SCOTT. Mr. President, I fully agree and I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Virginia (Mr. SPONG).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. SPONG. Mr. President, while I have opposed a number of the requests for foreign aid programs, I support the proposal to concentrate $42.5 million on international narcotics control programs. I agree that it is more appropriate to consider this request in connection with S. 3526, than in the foreign aid bill, where it first appeared, and I believe the administration should be commended for recommending the proposal.

Drug abuse is a problem throughout our Nation. It is a growing problem. It threatens to ruin thousands of lives and deprive our Nation of the contributions which numerous citizens might otherwise make. It is a particular threat to our youth on whom we must rest our hopes for tomorrow.

There is, however, an ironic component in the problem: no poppies which are the base of the hard drugs, opium and its derivatives, are grown in the United States. Most are, in fact, produced in the Middle Eastern area and in the "golden triangle" of Burma, Laos, and Thailand. Thus, the root of the problem is at the international level.

Consequently, we must strike at the source of heroin; we must take additional steps to prohibit the importation of the hard drugs into our Nation. That is what this authorization would help us do. Under this authorization, funds would be available for a number of activities in countries abroad, including crop substitution, educational and information activities, increased enforcement of laws which seek to restrain the illicit drug traffic and treatment programs.

A number of activities are already underway abroad. Turkey, which once provided as much as 80 percent of the illegal heroin making its way into our Nation is engaged in new crop substitution and enforcement activities. Under the former premier, growth of the poppy was to be terminated at the end of this year's growing season. This is, therefore, not the time to relent in our efforts to assist Turkey in eliminating the cultivation of the poppy. We should provide additional agriculture and enforcement assistance. And, we should, on every occasion possible, impress upon the new government the importance of adhering to the decision which has been made to ban the poppy.

I am aware that many Turkish farmers—farmers who use the poppy for such things as cooking oil, animal fodder, and fires—do not understand the dangers of the crop and the problem of addiction. For this reason, I am hopeful that serious attention will be given to the proposal, already made in the House of Representatives by Representative SEYMOUR HALPERN, that USIA engage in educational and informational activities to alert these farmers to the disadvantages of the crop. Hopefully, this would enhance the farmers' understanding of our position on this matter.

At the same time, we must take additional steps to see that, as the illicit trade from Turkey diminishes, that trade is not simply transferred somewhere else, most likely to the Far Eastern area of Burma, Laos, and Thailand. Our Nation is already engaged in some early work with those nations and this authorization would allow us to expand our cooperation with these governments in order to restrict production and exportation of opium and heroin from that area.

Mr. FULBRIGHT. Mr. President, this amendment is, in effect, a committee amendment to carry out action taken by the committee on an item in the executive branch's request for authorization of foreign aid. In the foreign aid authorization request the administration asked for $42,500,000 to carry out activities for the control of the international traffic in naroctics. I need not go into the background of the drug problem. It is one which touches the constituents of every Member of this body.

The executive branch has embarked on a broad program to try to stop the flow of narcotics at the source—to try to prevent or drastically curtail the amount of drugs reaching the United States. Last year Congress authorized the President to reach agreements with foreign countries for cooperative efforts to control the production and distribution of narcotics and permitted funds to be taken from other foreign aid programs for this purpose. It is estimated that $20.8 million will be spent on such activities in the current fiscal year. I ask unanimous consent that administration materials concerning the current and proposed program be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, the administration's request for this program was submitted in what is, in effect, a military aid bill. After some discussion in committee, where there was no objection to the merits of the request, it was decided that it would be more proper to consider the request in connection with the State/U.S. Information Agency authorization bill.

This program is not really foreign aid in the usual sense; it is really an attempt to help alleviate a problem afflicting our own society. The theory, if I understand it correctly, is to help others in order to help ourselves. I cannot predict whether the program will have any practical effect on the U.S. drug addiction problem, but I believe it is worth a try. The committee will keep a close watch on this program. I hope that future reports of results will be more realistic and lacking in the overblown rhetoric that has been characteristic of the overall foreign assistance program.

I urge adoption of the amendment.

EXHIBIT 1

INTERNATIONAL NARCOTIC CONTROL PROGRAM

The Administration believes a separate line item for the International Narcotics Control Program is important to clearly demonstrate the concern the United States attaches to the drug abuse problem. The Administration believes Congressional authorization and appropriation of the entire $42.5 million requested for the International Narcotics Control Program is essential.

The International Narcotics Control Program is an important element of the Administration's coordinated effort to control drug abuse in the United States. Major efforts are already underway within the United States to cope with the demand and internal supply aspects of the drug problems. However, these efforts will be seriously handicapped if a major effort is not undertaken outside the United States to deal with the illicit production of drugs and the illicit traffic to the United States.

Drug abuse is indeed a worldwide problem, a fact only recently recognized by many nations. The International Narcotics Control Board (INCB) stated in its annual report for 1971 that the rate of expansion of drug abuse has been so rapid "as to amount to a virtual epidemic." At the same time the INCB stated 1971 will hold a special place "because of more concerted efforts by governments to deal with these problems."

It is unfortunately true, however, that many nations involved with the illicit drug problems, both in terms of use and the production and movement of drugs, do not have sufficient resources to bring to bear on the problem. The International Narcotic Control Program's main objective is to provide the assistance required by these nations to increase their ability to curtail the illicit production and movement of drugs, with particular emphasis on opium and its derivatives.

The primary efforts of the U.S. will be directed at the improvement of other nations' enforcement capabilities to curtail illicit production and processing of and trafficking in narcotics. In some cases, the U.S. assistance may be limited to training programs for enforcement officials, others will require equipment and advisory assistance as well.

Lesser amounts of assistance may be provided in the agricultural and health sectors.

The U.S. efforts also place special emphasis on international action through the United Nations and other multilateral organizations. Largely as a result of U.S. initiative the U.N. Secretary General established a special

fund for Drug Abuse Control in April 1971, and has named a Personal Representative to direct the Fund and its activities.

To provide the framework for the U.S. program, more than 50 U.S. Missions abroad have prepared Narcotics Control Action Plans outlining the nature of the problem of that particular country and the measures which need to be undertaken. These plans, approved by interagency committees in Washington under the guidance of the Cabinet Committee, have provided the basis for discussions with the foreign governments to seek their cooperation and assistance in the fight against drug abuse. In the coming months, programs of cooperation will be developed with a number of governments. In some cases cooperative programs may be limited to closer coordination between our enforcement agencies with improved exchanges of narcotics intelligence. In other cases, assistance will be required before any major benefits can be achieved.

To permit the earliest possible realization of benefits, the Administration has included in its request of $42.5 million for the International Narcotics Control Program, funds over and above those required to finance programs which have been developed up until this time. Additional programs are at various stages of development, and it is believed the importance and urgency of this effort warrants the authorization and appropriation of these additional funds in order to avoid what could result in up to a year's delay in getting important programs underway.

INTERNATIONAL NARCOTICS CONTROL PROGRAM

FISCAL YEAR 1973 PROGRAM BREAKDOWN, BY COUNTRY, AS OF MAY 1972

[In thousands of dollars]

| | Total | Direct hire | Other agency | Commodities | Participant training | Other |
|---|---|---|---|---|---|---|
| **LAOS** | | | | | | |
| Public safety | 121.6 | 90 | | 18.6 | 7 | 6 |
| BNDD support equipment for the BNDD program | 17.0 | | | 10.0 | | 7 |
| Customs assistance support for Bureau of Customs advisers | 314.4 | | 226 | 53.4 | | 35 |
| Public health—Addict rehabilitation | 135.0 | 60 | | 75.0 | | |
| Technical support | 135.0 | 35 | | | | 100 |
| | (723.0) | | | | | |
| **THAILAND** | | | | | | |
| Public safety—Narcotics law-enforcement training | 75.0 | | | | 75 | |
| Customs assistance—Support for Bureau of Customs advisers, equipment and training for Thai enforcement agencies | 325.0 | | 225 | 50.0 | 50 | |
| Upland development—Economic development plan for the hill tribes region | 570.0 | | 200 | 220.0 | 150 | |
| | (970.0) | | | | | |
| **VIETNAM** | | | | | | |
| Public safety | 450.0 | 450 | | | | |
| Customs assistance—Support for Bureau of Customs program | 50.0 | | 50 | | | |
| | (500.0) | | | | | |
| **TURKEY** | | | | | | |
| Redevelopment program for poppy region to provide means for substitute income for farmers | 10,000.0 | | | | | 10,000 |
| Foreign exchange losses to offset loss of foreign exchange by the Turkish Government due to cessation of legal sales of opium | 5,000.0 | | | | | 5,000 |
| | (15,000.0) | | | | | |
| Total | 17,193.0 | | | | | |
| U.N. Fund for Drug Abuse Control | 5,000.0 | | | | | |
| Total as of May 1972 | 22,193.0 | | | | | |

INTERNATIONAL NARCOTICS CONTROL PROGRAM—FISCAL YEAR 1972 PROGRAM STATUS

[Dollars in thousands]

| | Allocated | Obligations anticipated as of May 31, 1972 |
|---|---|---|
| Laos | $1,100 | $726 |
| Thailand | 1,500 | 1,050 |
| Turkey | 15,700 | 12,700 |
| Vietnam | 500 | 500 |
| U.N. fund for drug abuse control | 2,000 | |
| Interregional | 25 | |
| Total | 20,825 | 14,976 |

INTERNATIONAL NARCOTICS CONTROL PROGRAM, U.S. IMPLEMENTATION

More than 50 Country Teams around the world have prepared Narcotics Control Action Plans. Upon their approval by an interagency committee in Washington, the Country Teams are instructed to begin discussions with the foreign governments to seek their cooperation on narcotics control. Any programs which emerge from these discussions which require U.S. financial or technical assistance are submitted to Washington for review and approval.

Operational responsibility will be assigned to the U.S. Government agency best qualified to provide the particular type of assistance required. In many cases this will be A.I.D. In others it may be the Bureau of Narcotics and Dangerous Drugs or some other U.S. Government agency or Department.

INTERNATIONAL NARCOTICS CONTROL PROGRAM, COORDINATION

The President has named a Cabinet Committee to coordinate the International Narcotics Control Program and designated Secretary Rogers as Chairman. The Department of State and the Bureau of Narcotics and Dangerous Drugs (BNDD) have the major responsibility for the U.S. role in the international narcotics control effort.

A.I.D. has a major supporting role, using its experience and expertise in conducting assistance activities abroad and through its authority to conduct and finance U.S. overseas assistance programs. Specifically, the A.I.D. Office of Public Safety training will concentrate on the organizational and managerial aspects of enforcement agencies as opposed to the operational training programs which will be conducted by the BNDD and Customs. These three agencies are working closely to assure the various training programs are coordinated to prevent any duplication of efforts.

The BNDD is the principal operational organization in the U.S. effort. BNDD by the end of FY 1972 will have 113 agents assigned abroad working with their counterparts. BNDD personnel place special emphasis on assisting local governments attack the infrastructure of major conspirators who operate out of important cities and communication centers and on upgrading local enforcement agencies to carry out this type of operation.

The expertise of the Bureau of Customs or the Department of Agriculture will also be required frequently. In some cases, a direct transfer of funds to these agencies will provide the most feasible solution to a specific problem.

U.N. FUND FOR DRUG ABUSE CONTROL

The UN Fund for Drug Abuse Control was established on April 1, 1971 after previous approval by ECOSOC and the UN General Assembly in 1970. The UN Secretary-General appointed Ambassador Carl W. A. Schurmann of the Netherlands as his Personal Representative in charge of the Fund. He is assisted by three Special Consultants: Dr. Walter M. Kotschnig, former Deputy Assistant Secretary of State of the U.S., Dr. D. Ghosh, Director of the Government of India Central Drug Laboratory in Calcutta, and Professor Bror Rexed, Director General of the Swedish National Board of Health and Welfare.

In establishing the Fund it was generally recognized that far greater financial resources would be needed to carry out a world-wide program than could be obtained from regular UN budgets. The Fund, therefore, was set up as a voluntary one to which governments and private sources are being asked to contribute.

The U.S. took the initiative in proposing the UN Fund to meet a world emergency and made the initial pledge of $2 million to launch the Fund. Since that time pledges and contributions by other governments and a few private sources have totalled slightly over $1 million. One aid-receiving country, unable to contribute to the Fund's financial resources, has offered to contribute expertise, training and educational facilities.

The UN Fund will finance a UN Plan for Concerted Action Against Drug Abuse. This will be a comprehensive, balanced effort to

assist countries to cut back both the illicit supply of and demand for drugs. Projects under the Plan will be carried out by the UN Division of Narcotic Drugs and by the various UN Specialized Agencies.

The objective of the Fund is to furnish assistance to Governments, International Organizations and Specialized Agencies in their efforts to:

(i) limit the supply of drugs to legitimate requirements by putting an end to their illegal or uncontrolled production, processing and manufacture, making use of crop substitution or other methods, as appropriate,

(ii) improve the administrative and technical capabilities of existing bodies concerned with the elimination of the illicit traffic in drugs,

(iii) develop measures to prevent drug abuse through programs of education and special campaigns, including the use of mass media,

(iv) provide facilities and develop methods for treatment, rehabilitation, and social reintegration of drug dependent persons.

The Fund intends to begin by supporting: the expansion of research and information facilities of United Nations drug-control bodies; the planning and implementation of programs of technical assistance in pilot project for crop substitution purposes; the establishment and improvement of additional drug-control administration and enforcement machinery, the training of personnel and the setting up or expanding of research and training centers which could serve national or regional needs; the enlargement of the capabilities and the extension of the operation of United Nations drug-control bodies; the promotion of facilities for the treatment, rehabilitation and social re-integration of drug addicts; and the development of educational material and programs suitable for use on high-risk populations.

The first major country program under the UN Plan to be financed under the UN Fund is in Thailand. A UN-Thai project agreement approved in December, 1971 includes projects to *replace opium poppy cultivation* by substitute crops. The UN will also assist Thailand in the treatment and rehabilitation of drug addicts, in the suppression of illicit drug traffic, and in creating drug education and information programs. The cost of the program to the UN Fund will be about $2 million. The UN Division of Narcotic Drugs is the executing organization, with technical assistance from FAO and WHO.

The Fund is exploring in cooperation with the UN Specialized Agencies (WHO, FAO, UNESCO, et al) comprehensive drug abuse control programs with other governments in critical areas, and is stationing representatives in major regions to provide advice and assistance to governments. It is also concerned with improvement of collection and use of information on illicit production, traffic and demand. It is reinforcing the UN capacity to provide training assistance, as demonstrated by the opening in April 1972 of the Central Training Unit of the UN Division of Narcotic Drugs.

To avoid any possible duplication of effort the U.S. has established a close working relationship with the UN Fund and has a continuing exchange of information with it on programs underway and being considered.

The Administration believes the UN Fund for Drug Abuse Control should receive continuing and substantial support.

Drawing on its close association with the International Narcotics Control Board and the UN Division of Narcotic Drugs, the UN Fund is in a unique position to enter into discussions with governments around the world on improving controls over narcotic drugs and to provide any assistance required, utilizing the various specialized UN agencies. The Fund will be particularly important in those countries where bilateral assistance would be politically unacceptable.

In addition to the planned additional U.S. contributions of $2 million and $5 million in FYs 1972 and 1973 respectively, the U.S. is encouraging other nations to support the Special Fund with their own contributions in a generous manner.

TURKEY

Under a UN convention, Turkey is one of those few nations permitted legally to grow poppies for export.

However, Turkey's geographic location and historical connections with Europe have resulted in European traffickers obtaining much of their illicit opium supply from Turkey, passing it on through their smuggling teams to consumers in Europe, Latin America, and principally the United States.

Removal of Turkey as a source of illicit supply will cause considerable disruption to established patterns of smuggling of opium and its derivative, morphine base, through Europe.

*Obstacles to solving the problem*

Poppies are a traditional cash crop of thousands of Turkish families.

Poppies are used as a source of feed and fuel.

Sale of poppies' heads for pharmaceutical uses is legal.

Farmers have little knowledge of their role in the spread of the narcotic.

*Actions taken by the government of Turkey*

Progressively reduced the areas in which the opium crop may be grown.

Announced in the annual decree governing opium poppy cultivation that the 1971/1972 growing season would be the last such season. A total ban will apply thereafter.

Has acted vigorously to ensure that only legitimate growers are allowed to plant poppies and that the opium gum produced is turned over to government purchasing offices.

Initiated a number of measures in the spring of 1971 to improve collections:

1. Increasing the price the Government paid for opium gum;

2. Increasing the number of collection points in poppy growing provinces; and

3. Initiating cash payments to farmers at the time the gum is turned in, rather than using a cumbersome voucher system.

Initiated a new licensing law which further strengthens the Government's authority over the growing process and requires farmers to provide much greater detail about the location and extent of areas planted. The law gives the Government greater legal basis, including stiffer penalties, against those who fail to comply.

*U.S. assistance*

The United States has agreed to provide $35 million in grant economic assistance over a three to four-year period, subject to Congressional appropriations, to the Government of Turkey in support of its decision to ban opium production. The funds will be used to cover legitimate foreign exchange losses resulting from the ban on opium production and to help finance development programs aimed at providing new sources of income for those farmers who will suffer the consequences of the June 30, 1971 decree.

The United States also agreed to send to Turkey a high-level team of USDA agricultural experts headed by Secretary Hardin. This visit resulted in the promulgation of a Joint Turkish/American Report on the poppy growing areas, including recommendations for improving farm income.

A follow-up team of A.I.D. and USDA officials returned to Turkey in February 1972. The United States team concluded that primary emphasis should be placed on introducing high-yielding varieties of wheat which could increase yields fifty percent over conventional varieties.

During FY 1972 the United States plans to obligate $15,700,000 in support of Turkey's efforts to eradicate opium poppies. $15 million of this amount falls under the $35 million pledge, and is divided into two categories—$5 million to cover foreign exchange losses resulting from the cessation of legal sales of opium for pharmaceutical purposes by the Turkish Government, and $10 million for redevelopment programs in the areas affected by the ban. These programs will provide farmers with alternative means for substitute income. Crop substitution, livestock and water resources development, fruit and vegetable processing plants, and perhaps light industry are being considered as elements of the program. The United States also agreed to provide $700,000 over and above the $35 million pledge—$300,000 for control and surveillance purposes connected with the last crop year; and $400,000 to finance a U.S. team to work for the Government on developing its programs for the area.

During FY 1973 we plan to obligate an additional $15 million against the $35 million pledge—$5 million to compensate for foreign exchange losses and $10 million for the poppy region redevelopment programs.

*Opium production in Laos, Thailand and Burma*

The largest single producing area of illicit opium in the world is the so called Golden Triangle located where the borders of Burma, Thailand and Laos converge. Production in this area is estimated to total roughly 700 tons of raw opium annually.

Of all the illicit opium being produced today, the production in the Golden Triangle presents the most difficult control problem encountered. The region has not been under the control of any government for years and is dominated largely by various insurgent groups actively engaged in resisting governmental control. Opium has been the sole cash crop of the inhabitants for nearly two centuries and is in fact being used today to finance their anti-government activities. Further complicating these problems is the traditional use of opium throughout Southeast Asia. These three countries alone are estimated to have a combined user population of about three quarters of a million, including some of the producers.

Under these existing circumstances, the elimination of the production within the Golden Triangle is a virtual impossibility at this time. However, both Laos and Thailand have launched major efforts to interdict the flow of opium out of the region into the controlled areas of these two countries. In Laos, the first legislation to limit the production of opium in the hill tribe areas and proscribing the trafficking and use of opiates outside such areas was passed in September 1971. A new special narcotics enforcement unit having nationwide jurisdiction over both civil and military elements has been established. This unit has already demonstrated its willingness to use its authority to move against suspected traffickers, both civil and military, and suspected processing sites. One heroin producing laboratory has been seized and dismantled this year.

The overall level of the Thai narcotics enforcement effort has been increasing steadily, not only by the Central Narcotics Bureau, but also by the Thai National Police. Seizures of narcotics have been rising as Thai competence in this area improves. In addition, a special Task Force has been established and is in operation in the northern part of the country, concentrating solely on interdicting drugs moving from the Golden Triangle region. By virtue of the Task Force's mobility, a rapid and secure communications system and ability to draw on the resources of local police units as necessary, it is hoped this unit will be in a position to significantly curtail the flow of opium and its derivatives through Thailand. U.S. Bureau of Narcotics and Dangerous Drugs personnel are stationed with the Task Force providing advisory assistance.

In addition to the enforcement efforts currently underway, the Thai Government has also reached an agreement with the

United Nations Special Fund for Drug Abuse Control on a five year program encompassing crop substitution, treatment and rehabilitation, law enforcement and drug abuse education. The project calls for UN and Thai contributions totalling $2 million and $5 million respectively. The Thai Government also has several other activities underway providing assistance in crop substitution to the hill tribes.

All of these programs are being closely coordinated to prevent any duplication of efforts.

Burma is the one country in the Golden Triangle area which is not actively cooperating with the United States on narcotics control at the present time. However, there appears to be a change taking place within Burma on this subject and U.S. has expressed an interest in cooperating with Burma on narcotics control and has indicated a willingness to consider assistance for this purpose should Burma request it.

VIETNAM

The hard narcotic problem in South Vietnam concerns its distribution, not its production.

Heroin has presented a problem among U.S. military personnel, and is now reported to be increasingly used by Vietnamese army personnel. This processed opium derivative is illegally brought into Vietnam through busy civilian and military airports, small coastal ports, and remote roads and rivers crossing national boundaries. Policing all of these potential points of entry presents a problem of considerable magnitude, particularly in a wartime situation.

*Actions taken by the government of Vietnam*

President Thieu has initiated an anti-narcotics campaign and made it a national policy of the highest priority. A Special Commission for the Eradication of Drugs and Smuggling has been established, under the President's special assistant, to plan and coordinate the effort.

Customs personnel have been replaced and customs and policing procedures at Tan Son Nhut Airport tightened. An indication of the success of these actions has been a substantial increase in the price of heroin in Vietnam, although it still is available. Over *270 pounds of heroin* and *1,000 pounds of opium were confiscated in 1971*, compared to 119 pounds of both drugs in 1969. *More than 6,000 arrests for narcotic offenses were made in 1971*, up from 3,880 in 1970 and 2,911 in 1969.

*U.S. assistance*

A.I.D. has given special attention to the problem, working with representatives of other U.S. agencies in assisting the Vietnamese to prepare and carry out an effective program of narcotics suppression. Vietnamese police and customs personnel have been given special training in spotting narcotics and drug sellers in addition to the normal police and customs training in narcotics suppression.

During the period 1969–1971, a total of *1,023 police* investigators were trained in narcotics and *486 are now performing specialized work in the Vietnamese Narcotics Bureau* and in covert teams assigned to key drug abuse areas. Narcotic identification has been introduced into the curricula of all National Police Training schools. Police are engaged in a substantial public education program.

Eleven Public Safety Advisors are assigned specifically to narcotics training, intelligence gathering and suppression. Commodities and equipment and participant training are supplied through the normal A.I.D. police assistance programs.

Four customs advisors from the U.S. Bureau of Customs carry out narcotics investigations and training, in addition to their normal customs duties concerned with contraband investigation and suppression.

A.I.D. is also working with the Vietnamese Ministry of Health to establish a treatment center for Vietnamese addicts. This is included as part of the normal A.I.D. Public Health assistance program.

*Efforts to control the drug problem concerning U.S. troops*

The demand for heroin by U.S. Army personnel in Vietnam has significantly decreased largely due to programs initiated by the U.S. Army. In June 1971 the Army launched its massive urinalysis testing program. This action plus an intensive education and counselling program, increasingly effective enforcement efforts and random, unannounced urinalysis checks, have dropped the U.S. Army drug use rate from a high of 4% of those leaving Vietnam in August 1971 to a low of 1.3% in March 1972. Efforts are continuing to lower this rate further.

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

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN), No. 1200.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily in case someone wants to conduct some morning business, because we are in the process of going out. There will be no further action taken on the unfinished business—the pending business tonight.

## 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 amendment of the Senate to the concurrent resolution (H. Con. Res. 619) providing for an adjournment of the House from May 24, 1972, until May 30, 1972.

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## FISHERMAN'S PROTECTIVE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am directed by the distinguished majority leader—after having cleared it with the Republican leader, the assistant Republican leader, and various other Senators—to propose the following unanimous-consent request:

Mr. President, I ask unanimous consent that the time on H.R. 7117, an act to amend the Fisherman's Protective Act of 1967, be limited to 1 hour, to be equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the distinguished Republican leader or his designee; that time on an amendment thereto by the distinguished senior Senator from Alaska (Mr. STEVENS) be limited to 1 hour, the time to be equally divided and controlled by the Senator from Alaska (Mr. STEVENS) and the Senator from Washington (Mr. MAGNUSON); that the time on any other amendment, debatable motion, or appeal be limited to one-half hour to be equally divided and controlled by the mover of such and the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), except in instances in which the Senator from Washington (Mr. MAGNUSON) may support such an amendment, debatable motion, or appeal, in which instance the time in opposition thereto be under the control of the Republican leader or his designee; provided further that no nongermane amendments be in order; provided further that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## AUTHORIZATION FOR APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the bill, S. 3607, a bill to authorize appropriations for the Atomic Energy Commission, be limited to 1 hour, the time to be equally divided between and controlled by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and the distinguished senior Senator from Vermont (Mr. AIKEN); that time on any amendment, debatable motion, or appeal be limited to one-half hour, the time to be equally divided between the mover of such and the distinguished manager of the bill, the senior Senator from Rhode Island (Mr. PASTORE), except in an instance in which the Senator from Rhode Island (Mr. PASTORE) favors such amendment, debatable motion, or appeal, in which instance the time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further that no nongermane amendment be in order; provided further that the agreement be in the usual form with respect to the yielding of time from the time allotted on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## ORDER FOR CONSIDERATION OF THE FISHERMAN'S PROTECTIVE ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the routine morning business, the Senate proceed to the consideration of H.R. 7117, the Fisherman's Protective Act of 1967; provided

further that the unfinished business remain in a temporarily-laid-aside status until H.R. 7117 is disposed of or until the close of business tomorrow, whichever is the earlier.

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

## FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—ORDER FOR CONSIDERATION OF AMENDMENT NO. 1201

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the disposition of H.R. 7117, the Fisherman's Protective Act on tomorrow, the Senate return to the consideration of the unfinished business; that the pending amendments by the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. CHURCH), the Senator from New Jersey (Mr. CASE) and the Senator from Mississippi (Mr. STENNIS) be temporarily laid aside; and that the Senate proceed to the consideration of amendment No. 1201 to S. 3526, by the Senator from Tennessee (Mr. BAKER).

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

## ORDER FOR CONSIDERATION OF ATOMIC ENERGY COMMISSION AUTHORIZATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, upon the disposition of amendment No. 1201 to be offered by the Senator from Tennessee (Mr. BAKER), the unfinished business again be temporarily laid aside and that the Senate proceed to the consideration of S. 3607, the Atomic Energy authorization bill; that the unfinished business remain in a temporarily laid aside status until the Atomic Energy bill is disposed of or until the close of business tomorrow, whichever is the earlier.

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

## ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, MAY 30, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

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

## ORDER FOR CONSIDERATION OF HAZARDOUS SUBSTANCES ACT ON TUESDAY, May 30, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on Tuesday next, the Senate proceed to the consideration of the Federal Hazardous Substances Act, S. 1478, and that the unfinished business, S. 3526, be temporarily laid aside and remain in a temporarily laid aside status until the Federal Hazardous Substances Act, S. 1478, is disposed of or until the close of business on Tuesday next, whichever is earlier.

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

## ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS ON TUESDAY, MAY 30, 1972, AND CONSIDERATION OF CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Federal Hazardous Substances Act, S. 1478, on Tuesday next, the Senate return to the consideration of the unfinished business, S. 3526, and that the following amendments be considered in the order stated:

Amendment No. 1176 by the Senator from Colorado (Mr. DOMINICK).

Amendment No. 1174 by the Senator from Massachusetts (Mr. BROOKE).

An unprinted amendment by the Senator from Illinois (Mr. PERCY) on which there is already a time limitation of 1 hour.

Amendment No. 1196 by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

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

## ORDER FOR ADJOURNMENT FROM TUESDAY, MAY 30, 1972, TO WEDNESDAY, MAY 31, 1972, AT 10 A.M.

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

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

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, MAY 31, 1972, AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Wednesday next there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the order of business for tomorrow, and Tuesday next and Wednesday next will be as follows, as nearly as I can now state it, in view of the various unanimous-consent agreements that now have been entered.

The Senate will convene tomorrow at 10 o'clock a.m. After the two leaders have been recognized, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) 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 15 minutes, with statements limited therein to 3 minutes. At the conclusion of morning business tomorrow the Senate will proceed to the consideration of H.R. 7117, the Fisherman's Protective Act. There is a time limitation thereon of 1 hour, with one-half hour on any amendment, debatable motion or appeal, except an amendment by the Senator from Alaska (Mr. STEVENS), in connection with which there is a 1 hour limitation. Rollcall votes can be expected in connection with that bill and possibly amendments thereto.

Upon the disposition of the Fisherman's Protective Act tomorrow the Senate will proceed to the consideration of amendment No. 1201 by Mr. BAKER, an amendment to the unfinished business, S. 3526, the State authorization bill. There is a time limitation on that amendment of 1 hour. Undoubtedly there will be a yea-and-nay vote on the amendment.

When that amendment is disposed of, which I presume would be at a reasonably early hour tomorrow afternoon—possibly by circa 2 p.m.—the Senate will then take up the Atomic Energy authorization bill on which there is a time limitation of 1 hour, with one-half hour on any amendment, debatable motion, or appeal. Rollcall votes can be anticipated on that bill.

That would mean that the Senate would have a busy day tomorrow, with several rollcall votes.

At the conclusion of business tomorrow the Senate will go over until 12 o'clock noon on Tuesday next. On Tuesday next, after the two leaders have been recognized, there will be a period for the transaction of routine business for not to exceed 15 minutes, with statements therein limited to 3 minutes. At the conclusion thereof the Senate will take up the hazardous substances bill, S. 1478. There is a time limitation on that bill, if I recall, of 2 hours, with 1 hour on any amendment thereto. There will be rollcall votes on that bill on Tuesday next.

When that bill is disposed of the Senate will proceed to the consideration of the following amendments and in the order stated:

Amendment No. 1176 by Mr. DOMINICK, on which there is a time limitation of 1½ hours; amendment No. 1174 by Mr. BROOKE, on which there is a time limitation of 2 hours; an amendment not yet printed, by Mr. PERCY, on which there is a time limitation of 1 hour; and then, if time permits—which I do not think it will on Tuesday next—the Senate will proceed to amendment No. 1196 of Mr. HARRY F. BYRD, JR., of Virginia, on which there is a limit of 2 hours—all of which means that on Tuesday next there will be several rollcall votes beginning with the hazardous substances bill and amendments thereto, and then on the various amendments to the unfinished business, S. 3526.

Mr. President, inasmuch as the Senate will not come in until noon on Tuesday—by reason of the resolution adopted earlier—there will be a long day of business for the Senate on Tuesday. I seriously doubt that the Senate will be able to reach the Byrd amendment on Tuesday. Consequently, if it appears that action on the Byrd amendment No. 1196

cannot be reached on Tuesday, action will occur thereon on Wednesday, together with any of the enumerated amendments, in inverse order, left over from Tuesday.

In fine, there will be rollcall votes tomorrow, there will be rollcall votes Tuesday next, and there will be rollcall votes Wednesday next.

Mr. GRIFFIN. Mr. President, the distinguished majority whip has done an excellent job in getting the various time agreements and lining up the business of the Senate. It is even conceivable, I hope, that the unfinished business, the State Department USIA bill, might be completed next week. I hope so.

Mr. ROBERT C. BYRD. As far as I know, if I may respond to the distinguished assistant Republican leader, there is only one amendment other than the amendments that have been clocked in, on each of which we have agreed to a time limitation—and other than the pending amendments by Mr. GRIFFIN, Mr. CHURCH, Mr. CASE, Mr. STENNIS, all of which are so-called war amendments—there is only one additional amendment, and that would be an amendment by Mr. BOGGS and Mr. ROTH. So conceivably—and I emphasize conceivably—the Senate could complete action on the State authorization bill Wednesday. I would prefer to think, in view of the lineup of amendments, that in all likelihood it would be Thursday of next week before the Senate would complete action on the State authorization bill.

The distinguished majority leader has stated his intention of then calling up the nomination of Mr. Kleindienst immediately upon the disposition of the unfinished business.

Mr. GRIFFIN. I thank the distinguished majority whip for that information and I join in the hope that it will be by at least Thursday.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, if I may add one postscript, tomorrow will be a reasonably long day for a Thursday preceding a holiday. By that I mean I would expect the Senate to be in session until 4 o'clock, 4:30, or perhaps 5 o'clock—but hopefully not that long. Tuesday next will be a long day, and Wednesday, I should think, would be a long day. So there may be a good many long days ahead.

### ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and at 5:33 p.m. the Senate adjourned until tomorrow, Thursday, May 25, 1972, at 10 a.m.

### NOMINATION

Executive nomination received by the Senate May 24, 1972:

DEPARTMENT OF THE TREASURY

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury, vice Charls E. Walker.

# EXTENSIONS OF REMARKS

### ARE AGENCIES INDEPENDENT?

## HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 24, 1972*

Mr. METCALF. Mr. President, the Senate Subcommittee on Intergovernmental Relations has been conducting hearings on S. 448. This legislation would bring the budgets of independent regulatory commissions directly to the Congress, rather than through the Office of Management and Budget, which on numerous occasions has eroded regulatory functions, especially in the consumer protection field, by reduction of fund and personnel requests.

Previous hearings by the subcommittee have dealt in part with OMB impediment, through industry advisory committees, of information collection by the regulatory commissions and other Federal agencies. These hearings have led to unanimous subcommittee approval of S. 3529, the Federal Advisory Committee Act, which is cosponsored by Senators MUSKIE, PERCY, GURNEY, ROTH, BROCK, CHILES, HUMPHREY, HART, and myself.

Another area of questionable executive branch influence on the independent regulatory commissions was described by Stephen M. Aug, of the Washington Evening Star, in its May 21 issue. In the article, entitled "Are Agencies Independent?", Mr. Aug discusses the practice of several agency chairmen of sending regular reports to White House Assistant Peter Flanigan.

The provision of information, some innocuous and some not, only to the White House, without making this information equally available to the public and to the Congress, in another of the methods by which the regulatory commissions are losing their independence and becoming part of the executive establishment. I would emphasize here that this practice of monthly reports by regulatory commissions to the White House was not established by the present administration. It was begun early in 1961, at the request of an assistant to President Kennedy.

We are dealing here with a bipartisan problem of diminution of legislative authority, brought on in part by lack of legislative oversight of the regulatory commissions established by the Congress.

The Subcommittee on Intergovernmental Relations, under the able direction of the Senator from Maine (Mr. MUSKIE), with the full cooperation of the ranking minority member of the subcommittee, Mr. GURNEY, and the ranking minority member of the full committee, Mr. PERCY, with tremendous contributions by the freshman members, Mr. CHILES, Mr. ROTH, and Mr. BROCK, is attempting to redress the present imbalance that has removed power from the legislative branch and the regulatory agencies responsible to the Congress, and concentrated power in the executive branch

Mr. Aug's article provides Senators with information that will be most useful in this effort. I ask unanimous consent that it be printed in the RECORD.

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

ARE AGENCIES INDEPENDENT?

(By Stephen M. Aug)

Once a month Federal Communication Commissions Chairman Dean Burch signs a short "Dear Peter" letter to White House assistant Peter M. Flanigan and bundles off a summary of what the FCC did during the previous 30 days.

Similar letters—some more formal—are sent to Flanigan by the heads of the Federal Maritime Commission and Federal Power Commission, while the Interstate Commerce Commission sends a monthly report addressed to the President.

At the Civil Aeronautics Board, where the practice of giving the White House a written monthly summary was abandoned several months ago after it was found that nobody was reading them, Chairman Secor D. Browne meets periodically with Flanigan.

In fact, over a 31-month period beginning in October 1969, Flanigan and Browne met 24 times to discuss the state of the airlines in general, the problems of Pan American World Airways in particular, and international airline matters.

The Securities and Exchange Commission apparently never has filed monthly reports, but its chairman, William J. Casey, has discussed financial industry matters, primarily those involving legislation, with Flanigan at some length.

Contacts between the White House and the regulatory agencies are very sensitive on two grounds.

First, Congress views the agencies as its chosen instruments to regulate commerce. In fact, the agencies regulate a wide range of the economy, from the price of long distance telephone calls and the price of airplane tickets to the construction of power projects and the amount of stockbrokers' commissions.

Second, the commissioners of these agencies have responsibilities much the same as judges for individual cases on rates, license renewals, airline and trucking route awards and the like. They are, in short, supposed to be independent of outside influences.

And, as a May 21, 1969, memo from Flanigan to the White House staff put it: "Obviously, any executive interference in this quasi-judicial function would be highly improper."