# SENATE—*Tuesday, June 6, 1972*

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

## PRAYER

The Reverend William M. Sharp, pastor, Trinity Temple, Las Vegas, Nev., offered the following prayer:

Holy God of the eternal now, who from Your throne beholds this Senate today, grant to these leaders strength and wisdom to direct the affairs of this Senate and these United States.

Help us in the image of Your Son, Jesus of Nazareth, to cast down the dividing prejudices of the nations, and bring into focus universal love, without distinctions of race, merit, or rank. May the goals that we have achieved in science that have made the nations of the world a neighborhood, be linked with Your spirit, and make us true neighbors.

Grant to this Senate the courage of its convictions that will enable us to fear God rather than man, and to be ruled by God rather than to be enslaved by tyrants. Give our Senators aims and ambitions that will never grow vile and which cannot disappoint our hope. Make us aware that our Nation shall inevitably reflect the image of the God we worship.

Our prayer is that of the Psalmist, David, "that the Lord will bless His people with peace."

We humbly pray in Jesus' name. Amen.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last night, and hence it is convening in executive session today; but under the unanimous-consent agreement the following business will be transacted, as in legislative session.

First, the Senate will receive a message from the President of the United States.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

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

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 5, 1972, be dispensed with.

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

## UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time limit for debate already obtained on S. 3442 apply also to Senate Joint Resolution 206, the infant death syndrome proposal, but not concurrently; that the time be divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. JAVITS); and further, that the consideration of Senate Joint Resolution 206 occur immediately upon the disposition of S. 3442.

Mr. JAVITS. Mr. President, I will not object, but may I know something about this? How much time is involved?

Mr. MANSFIELD. Twenty minutes, to be equally divided, on each bill.

Mr. JAVITS. I have no amendments, but are amendments permitted?

Mr. MANSFIELD. Ten minutes on amendments. I thought we had cleared this with the Senator.

Mr. JAVITS. That is fine, but I am deeply interested in an aspect of one of the bills which relates to venereal disease, but I do not wish to disturb the arrangement, although the time is really much too short. I will ride with it. I thank the Senator.

Mr. MANSFIELD. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Montana. The Chair hears none, and it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 793, 794, 795, and 798.

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

## UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The Senate proceeded to consider the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Uniformed Services Health Professions Revitalization Act of 1972".

SEC. 2. (a) Title 10 of the United States Code is amended by adding after chapter 103 a new chapter as follows:

"Chapter 104—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program: active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships: payments.

"§ 2120. Definitions.

"In this chapter—

"(1) 'Program' means the Armed Forces Health Professions Scholarship program;

"(2) 'Member of the program' means a person appointed a commissioned officer in a reserve component of the armed forces who is enrolled in the Armed Forces Health Professions Scholarship program; and

"(3) 'Course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of courses of study in designated health professions, with obligatory periods of military training.

"(c) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members of the program shall serve on active duty in pay grade O–1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction.

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $400 per month.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title;

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the interim program of his service if selected for such participation;

"(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved of his active duty obligation under this chapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare for a period equal to the period of obligation from which he was relieved.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time, exceed 5,000.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

"(2) in computing years of service creditable under section 205, other than subsection (a) (7) and (8), of title 37.

"§ 2127. Contracts for scholarships: payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

"(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health, Education, and Welfare, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this chapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees."

(b) The table of chapters at the beginning of subtitle A and at the beginning of part III of such subtitle of title 10, United States Code, are amended by adding

"104. Armed Forces Health Professions Scholarship Program ... 2120"

immediately below

"103. Senior Reserve Officers' Training Corps ... 2101"

SEC. 3. The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, conduct a comprehensive study to determine the feasibility and desirability of establishing within the vicinity of Washington, District of Columbia, a university to be known as the Uniformed Services University of the Health Sciences at which qualified persons who agree to perform a specified period of active duty in the uniformed services would receive education and training in those health professions needed by the uniformed services. In carrying out such study the Secretary shall—

(1) seek the views of associations of educational institutions devoted to the health sciences that such a university would likely include in its program;

(2) seek the views of associations of persons who are trained in the health professions that such a university would likely include in its program;

(3) define the mission and purpose of such a university;

(4) consider alternative means of obtaining and retaining health science personnel needed by the uniformed services;

(5) consider the relative cost effectiveness of achieving the purpose defined pursuant to clause (3) through the establishment of such a university as compared with the cost of each of the alternative means considered pursuant to clause (4);

(6) consider and, on the basis of the best information available, predict whether a national shortage will likely exist during the period 1980–1990 in those health professions that such a university would probably include in its program of training; and

(7) consider such other pertinent matters as the Secretary deems appropriate.

(b) In carrying out the study provided for in subsection (a), the Secretary of Defense shall seek the views, advice, and counsel of the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and the Administrator of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Defense shall report his findings, conclusions, and recommendations with respect to the study provided for in subsection (a) to the President and the Congress not later than one year after the date of enactment of this Act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–827), explaining the purposes of the measure.

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

COMMITTEE OBSERVATION ON NEED FOR SOME ADDITIONAL PROMOTION OPPORTUNITY TO GENERAL OFFICER AND FLAG RANK FOR MEDICAL OFFICERS

As already noted, the committee deleted the language of the House bill which would have removed present numerical statutory limitations on the promotion of medical corps officers to general or flag officer rank.

The committee would like to emphasize, however, that it does feel that promotions for medical officers to general and flag rank should be treated separately from the normal treatment extended to the overall issue of general officer numbers and promotions. Normally, those outstanding medical officers promoted to general and flag rank are those who would occupy the various medical management and supervisory positions within the medical corps. It was the view of the committee that there should be increased flag and general officer promotion opportunity for other outstanding medical officers who prefer to continue their careers in clinical or medical specialties while holding flag or general officer rank.

The committee, as a part of this report, is therefore requesting that the Department of Defense make a study of this problem and report its conclusions to the committee by not later than January 1, 1973. As a part of this study, the Department should also extend consideration to providing additional promotion opportunity for medical officers within the present total statutory numbers now allocable to the Department of Defense rather than considering only additional numbers for this purpose.

PURPOSE OF THE COMMITTEE SUBSTITUTE

The purpose of the bill is to establish an Armed Forces Health Professions Scholarship Program and institute a feasibility study of the Uniformed Services University of the Health Sciences. The committee's rationale for requiring a feasibility study of the Uniformed Services University of the Health Sciences has been discussed in the *Explanation of Committee Substitute* under change 2. The background and rationale for the committee's action concerning the scholarship program follows.

THE PROBLEM OF ATTRACTING AND RETAINING MEDICAL PERSONNEL IN UNIFORMED SERVICES

The uniformed services are presently facing a short term and long range problem in the attraction and retention of medical personnel that is approaching crisis proportions. Under law (Section 1074 of Title 10, U.S. Code) each member of the uniformed services has the right to medical and dental care. Under the provisions of the Draft Act the Congress has stipulated in Section 4(a) of that act that:

"No person shall be inducted for such training and service until adequate provisions shall have been made for * * * medical care, and hospital accommodations * * *."

Under Section 1073 of Title 10 the Congress has designated the Secretary of Defense as the one who is responsible for providing adequate medical care and facilities for members of the uniformed services. The Secretary of Defense has urgently requested that the scholarship provision of H.R. 2 be enacted into law so that he can carry out his important responsibilities under the law. The committee feels that the Congress must now take positive and prompt action to ensure that this moral and statutory obligation to provide proper medical care for our uniformed services is carried out.

The problem of attracting and retaining medical personnel in the uniformed services is further highlighted by the number of persons eligible for care in uniformed services medical facilities as of 30 June 1972:

| | |
|---|---|
| Active duty | 2,452,000 |
| Retirees | 934,345 |
| Dependents (active duty) | 3,481,840 |
| Dependents (retired) | 2,148,994 |
| Survivors (active duty and retired) | 698,500 |
| U.S. civilian employees (overseas) | 32,000 |
| Dependents of civilian employees (overseas) | 19,400 |
| Total | [1] 9,767,079 |

[1] The Department of Defense estimates that approximately 65 percent of the eligible population does obtain its care in department facilities and 35 percent obtains its care in civilian facilities under the CHAMPUS program (Civilian Health and Medical Program for the Uniformed Services).

BACKGROUND PROBLEM

*Critical shortage of physicians in United States today*

There is a critical shortage of physicians in the United States today. This shortage is an indisputable fact. The President's National Advisory Commission on Health Manpower in November, 1967 strongly recommended increased expansion of present medical schools and continued development of new schools. The Carnegie Commission on Higher Education in its October, 1970 report estimated a current shortage of 50,000 physicians and stated that there was no doubt that an "acute shortage exists." The problem is further compounded by the fact that there is only one opening for every two qualified applicants to medical school. Thus, there is not only a shortage of physicians but a severe shortage of medical school places to accommodate qualified applicants who want to pursue a medical education. This problem is dramatized by the fact that of the 310,000 physicians in the United States today fully 53,000 are graduates of foreign medical schools.

*Critical shortage of physicians affects uniformed services*

The shortage of physicians in the United States seriously impacts on the uniformed services. During the last 4 years fully 60 percent of the male physicians graduating from medical schools have entered military service; yet, the retention rate for physicians with two years of service is only about 1 percent. This severe retention problem is illustrated by the following 2 tables:

TABLE 1.—TOTAL DEPARTMENT OF DEFENSE PHYSICIAN GAINS AND LOSSES

| | End fiscal year strength | Gains | Losses |
|---|---|---|---|
| Fiscal year: | | | |
| 1967 | 14,735 | 4,490 | 3,150 |
| 1968 | 15,044 | 5,174 | 4,865 |
| 1969 | 15,754 | 5,629 | 4,919 |
| 1970 | 15,581 | 5,161 | 5,334 |
| 1971 | 14,066 | 4,060 | 5,575 |

TABLE 2.—DEPARTMENT OF DEFENSE REGULAR MEDICAL OFFICER STRENGTHS, GAINS, AND LOSSES

| | End fiscal year strength | Gains | Total losses | Resignations[1] | Voluntary retirement |
|---|---|---|---|---|---|
| Fiscal year: | | | | | |
| 1967 | 4,846 | 538 | 625 | 430 | 124 |
| 1968 | 4,712 | 421 | 555 | 386 | 118 |
| 1969 | 4,706 | 491 | 497 | 364 | 92 |
| 1970 | 4,446 | 328 | 588 | 389 | 139 |
| 1971 | 4,067 | 252 | 631 | 456 | 94 |

[1] Resignations and voluntary retirements do not add up to total losses because total losses also include such things as nvoluntary retirements, administrative discharges, deaths and the like.

These tables highlight two distinct problems that the Armed Forces have in retaining medical officers. Table 1 points up the overall problem of retention of medical officers in the Armed Forces. As of 31 December 1970 of the 14,899 medical officers in the Armed Forces 10,549, or almost 71 percent, were non-careerists (defined as those with under 4 years of service).

Table 2 clearly shows the serious loss of career Armed Forces medical officers. The total loss of careerists has gone up dramatically since 1969 and shows no sign of abatement. If the present trend were to continue the Armed Forces would lose over 40 percent of their presently depleted career medical officers within 5 years.

*Doctor Draft Law Expires*

Section 5(a) of the Military Selective Service Act provides the authority to induct medical, dental, and allied specialist personnel into the uniformed forces. In addition, the President has had the authority to draft these medical personnel until age 35 because of the provision in the Military Selective Service Act which provides that an individual registrant is liable for the draft up until age 35 if he receives a deferment prior to reaching age 26. As a practical matter, it was only the medical personnel who came under this provision, as other registrants were not inducted once they had reached age 26.

Now that the President has cancelled all future undergraduate student deferments, medical students will be eligible for the draft on a one-time basis, just as other students are. This will result in virtual elimination of the doctor draft law within 6 years with a resultant shutting off of the supply of doctors to the military unless timely action is taken. The following table shows the estimated Department of Defense Medical Corps strength from fiscal year 1971 through fiscal year 1980 assuming that the "doctor draft" expires 1 July 1973 and that the expanded scholarship program proposed under H.R. 2 is not enacted:

ESTIMATED DOD MEDICAL CORPS STRENGTH

| Fiscal year | Beginning strength | Gains | Losses | End strength |
|---|---|---|---|---|
| 1971 | 15,587 | 4,094 | 5,606 | 14,075 |
| 1972 | 14,075 | 5,169 | 4,735 | 14,509 |
| 1973 | 14,509 | 3,642 | 4,100 | 14,051 |
| 1974 | 14,051 | 2,619 | 5,200 | 11,470 |
| 1975 | 11,470 | 2,429 | 3,600 | 10,299 |
| 1976 | 10,299 | 1,887 | 2,600 | 9,586 |
| 1977 | 9,586 | 1,500 | 2,400 | 8,686 |
| 1978 | 8,686 | 1,000 | 2,000 | 7,686 |
| 1979 | 7,686 | 850 | 1,800 | 6,736 |
| 1980 | 6,736 | 850 | 1,200 | 6,386 |

It should be noted that there will be an estimated drop of 7,689 medical personnel, under the assumptions in the above table, between the fiscal years 1971 and 1980. This would result in a reduction of almost 55 percent in Department of Defense medical personnel in just 10 years. The very serious impact that this would have on medical care in the Armed Forces is obvious.

*Legislation will attack problem*

The legislation recommended by the Committee on Armed Services will attack the problem of attracting medical personnel to the uniformed services by establishing a very comprehensive scholarship program for the training of professionals in the health fields for careers in the Armed Forces.

*Limited scholarship programs presently available for Armed Forces*

Each of the services presently has a limited scholarship program for medical students. These programs, however, have no specific statutory basis and lack uniformity. In addition, the limited scholarship programs in the services are relatively new and provide relatively few scholarships. For example, the Army and Air Force started their limited scholarship programs in fiscal year 1967, with these services receiving 40 and 68 graduates respectively in fiscal year 1971. The Navy program began in fiscal year 1971 and has not as yet had a graduating group. The scholarship program in H.R. 2 provides specific statutory authority for the scholarship program, increases the number of scholarships, and creates uniformity in scholarship programs among the various services.

*Scholarship Program Under Committee Proposal*

A student, selected for this program, who is attending or has been accepted for attendance at a civilian medical professional school, will be on inactive duty as a reserve officer in grade O–1 (2nd lieutenant or ensign). While in this inactive Reserve status the student will of course not receive the pay and allowances of pay grade O–1 but will instead receive a monthly stipend of $400. The student will receive the full pay and allowances of pay grade O–1 and other benefits when he is on active duty for the 45 days each year that he is in the program as stipulated in the language of the committee bill. In addition, the committee program would provide full payment of all medical school expenses and fees. The minimum amount that a student could receive for a full year of training (excluding tuition and fees) would be $5,200.

The Secretary of Defense would prescribe the amount of obligated service required except that he could not prescribe less than 1 year for each year of subsidy. This would provide flexibility in adjusting the payback period, depending on the experience with the program. Depending on the need and availability of funds there is statutory authority to provide for a maximum of 5,000 scholarships at any one time. The first year (fiscal year 1973) breakout by services and costs of the scholarship program are as follows:

| | Scholarships | Cost (millions) |
|---|---|---|
| Army | 1,400 | 15.0 |
| Navy | 1,125 | 12.0 |
| Air Force | 1,225 | 13.0 |
| Total | 3,750 | 40.0 |

*Anticipated large numbers of scholarship students at certain institutions*

Because the number of scholarship students will be quite large (a maximum of 5,000 at any one time) it may be desirable for the Department of Defense to attempt to reach agreements with certain institutions in which these institutions would take Department of Defense scholarship participants *as additions* to their student bodies. These additions would pose a financial problem for the institutions in question in that medical school tuition and fees do not cover the total ex-

pense of educating medical students; in fact, most medical institutions operate at a substantial financial deficit. Accordingly, the Department of Defense would provide educational services payments to these institutions to defray the costs of adding Department of Defense scholarship students to their student bodies.

It is important to point out that the House passed bill intended and the committee bill language makes explicit that the above educational services payments would only be made when there are actual Department of Defense scholarship student additions to already existing student bodies. These payments would not be made for scholarship students who were already accepted for or matriculating in a particular institution.

The committee also intends that these payments be made *only* to cover the cost that the institution incurs for adding the students to its normal medical school enrollment and not for such things as new construction, remodeling of facilities and the like.

COST AND BUDGET DATA

The planned breakout by profession for the first year (fiscal year 1973) of program operation is as follows:

| Professions: | Number of scholarships |
|---|---|
| Medicine | 2,700 |
| Dentistry | 950 |
| Allied Sciences [1] | 100 |
| Total | 3,750 |

The projected breakout by the fifth program year is as follows:

| Professions: | Number of scholarships |
|---|---|
| Medicine | 3,200 |
| Dentistry | 1,000 |
| Allied Sciences [1] | 500 |
| Total | 4,700 |

[1] See following list of the professions and disciplines covered by this term.

ARMED FORCES HEALTH PROFESSION SCHOLARSHIP PROGRAM

*Professions and disciplines to be represented*

Medicine, Osteopathy, Dentistry, Veterinary Medicine, Bioenvironmental Engineering, Entomology, Bacteriology, Biochemistry, Virology, Aviation Physiology.

Health Physics, Clinical Psychology, Psychiatric Social Work, Pharmacy, Optometry, Podiatry, Speech Therapy, Audiology, Laboratory Science, Sanitary Engineering.

The Department of Defense estimates that implementation of this scholarship program will result in first-year costs (fiscal year 1973) of approximately $40,000,000, followed by annual costs thereafter of approximately $50,000,000. Set out below is an estimated allocation of these costs (in millions) over the 5-year period together with the amount attributable to each of the respective Armed Forces:

| | Fiscal year— | | | | |
|---|---|---|---|---|---|
| | 1973 | 1974 | 1975 | 1976 | 1977 |
| Army | $15.0 | $18.8 | $18.8 | $18.8 | $18.8 |
| Navy and Marine Corps | 12.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| Air Force | 13.0 | 16.2 | 16.2 | 16.2 | 16.2 |
| Total | 40.0 | 50.0 | 50.0 | 50.0 | 50.0 |

DEPARTMENT OF DEFENSE ESTIMATES FOR THE SCHOLARSHIP PROGRAM FROM FISCAL YEAR 1973 TO FISCAL YEAR 1977

| Fiscal year | Number of medical | Number of dental | Number of allied sciences | Total [1] scholarships | Cost per scholarship | Total cost (millions) |
|---|---|---|---|---|---|---|
| 1973 | 2,700 | 950 | 100 | 3,750 | 10,600 | $40 |
| 1974 | 3,200 | 1,000 | 500 | 4,700 | 10,600 | 50 |
| 1975 | 3,200 | 1,000 | 500 | 4,700 | 10,600 | 50 |
| 1976 | 3,200 | 1,000 | 500 | 4,700 | 10,600 | 50 |
| 1977 | 3,200 | 1,000 | 000 | 4,700 | 10,600 | 50 |

[1] Dependent upon funds made available and final scholarship costs for each student.

## MOTOR CARRIER REPORTS TO THE INTERSTATE COMMERCE COMMISSION

The Senate proceeded to consider the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the word "year", strike out "subject to such rules and regulations as the Commission may prescribe,"; and, on page 2, line 2, after the word "year", insert a comma and "subject to such rules and regulations as the Commission may prescribe".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was 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. 92-828), explaining the purpose of the measure.

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

PURPOSE

The legislation would permit motor carriers and others required to file annual reports with the Interstate Commerce Commission (ICC) under section 220(b) of the Interstate Commerce Act (the Act) to file such reports on the basis of a 13-period accounting year, rather than on a calendar year basis, if their bookkeeping is done on a 13-period basis.

A number of motor carriers use accounting systems based on a 13-period accounting year. Under such systems, the calendar year is broken into 13 periods of 28 days, each of which is in turn broken into four 7-day periods. The benefits of such accounting systems are that they make unnecessary certain accruals and deferrals, such as those for wages, withholding taxes, and related payroll expenses. Further, since each period consists of 4 weeks, comparison between several periods is improved.

The Interstate Commerce Commission currently permits motor carriers to keep their books of account on the 13-period basis and also permits quarterly reports to be filed on that basis. Other agencies of the Federal Government, such as the Internal Revenue Service and the Securities and Exchange Commission, permit reports to be made on that basis.

However, pursuant to section 220(b) of the Act, the ICC requires annual reports to be filed on a calendar year basis. This entails time-consuming bookkeeping operations to convert data from the 13-period basis used in everyday operations to a calendar year basis which is used only for an annual report to the ICC. The legislation reported by your Committee (H.R. 1074, to which S. 2020 was the companion Senate bill) will relieve carriers from this needless expense.

It should be emphasized that this legislation simply creates an option between calendar year and 13-period accounting year bases for annual reports to the ICC. It does not make the 13-period method mandatory.

COMMITTEE AMENDMENTS

The Committee amendments were proposed by the ICC and would insure that rules and regulations promulgated by the Commission apply to both reporting and filing requirements. The Committee believes that these amendments are consistent with the intention of the House of Representatives which, as noted in the report of its Committee on Interstate and Foreign Commerce, "amended the legislation to make it clear that the filing of annual reports with the ICC under section 220(b) of the Act on the basis of a 13-period accounting year would be subject to rules and regulations prescribed by the ICC."

The amendments are shown below—material to be deleted from the House-passed measure is in black brackets; material to be added is shown in italics:

[An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a thirteen-period accounting year.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 220(b) of the Interstate Commerce Act (49 U.S.C. 320(b)) is amended by inserting "either (1)" after "information", and by striking out "different date, and" and inserting in lieu thereof the following: "different date; or (2) for a thirteen-period accounting year ending at the close of one of the last seven days of each calendar year, if the person making the report keeps his books on the basis of such an accounting year, [subject to such rules and regulations as the Commission may prescribe] and elects to make such report on the basis of such accounting year, *subject to such rules and regulations as the Commission may prescribe.* Any annual report".

COST

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the committee estimates that enactment of this legislation will result in no additional costs to, or expenditures by, the Federal Government.

## PIPELINE SAFETY ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968 which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. The first sentence of section 5(c)(1) of such Act (49 U.S.C. 1674(c)(1)) is amended to read as follows: "If an application is submitted not later than September 30 in any calendar year, the Secretary is au-

thorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding the following new subsection at the end thereof:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs."

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974."

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report which shall contain—

(a) a description of the pipeline safety program being conducted in each State;

(b) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(c) the source or sources of State funds to finance such programs;

(d) the amount of Federal assistance needed annually;

(e) an evaluation of alternative methods of alloting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(f) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program. The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by deleting the words "and pipeline".

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-829), explaining the purposes of the measure.

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

BACKGROUND AND NEED

With enactment of the Natural Gas Pipeline Safety Act of 1968 the last remaining major transportation area theretofore exempted was brought under Federal safety regulation. The need for such legislation was brought to light by a series of major accidents in which a number of persons were killed. Nevertheless, the legislation was premised more upon the need to close evident gaps in the existing safety regulatory pattern than upon a poor industry safety record. The Natural Gas Pipeline Safety Act promised to set Federal minimum standards as a national floor that would insure an adequate level of safety throughout the country. Just as important, it promised a system for uniform, consistent and vigorous enforcement of those standards.

At the time of enactment there were about 823,000 miles of gas pipeline in the United States. Today there are more than a million miles of pipeline. The age of the pipelines range from those recently installed to others which have been in the ground for over 150 years. Pressures in pipeline systems range from low-pressure distribution systems which are operated at one-fourth pound per square inch pressure to high-pressure distribution lines which are operated at 1,300 pounds per square inch. Failure of a pipe can cause large amounts of gas to be released in a short time. The escaping gas goes either into the atmosphere or follows along natural tunnels in the earth next to pipelines or other utilities into homes and buildings. When it mixes with air, it becomes highly explosive. A recent tragedy near Washington, D.C. in which a mother and two infants were killed in an early morning explosion was apparently caused by gas flowing underground along the outside of utilities from a main broken during construction activities.

Most transmission lines are not located in urban areas so that failures do not often result in injury or death. Yet, as cities and towns expand with our ever-increasing population, the danger of pipeline accident increases. As the Chairman of the National Transportation Safety Board pointed out in hearings, ". . . the possibility of catastrophe is a continuing concern. If several recent accidents had occurred only a few miles one way or the other on the route of the pipeline, major catastrophes would have been the result."

During 1971 there were 45 deaths, 391 injuries, and an estimated $2,632,170 in property damage resulting from the 1,287 individual gas pipeline failures reported to the Department of Transportation. The Department has identified damage by outside forces and corrosion as two main causes of leaks. The National Transportation Safety Board also found "the major cause of gas pipeline accidents is damage inflicted on underground facilities by excavation or earthmoving equipment." These conclusions are based on data derived from the Department's newly implemented leak reporting regulations. The leak reporting system begun with these regulations is an important step toward illuminating the condition and safety of the pipelines buried throughout the country. It is, however, only a first step and must be quickly followed by others. The leak reporting system itself must be carefully analyzed and refined to insure the validity and usefulness of its data.

Most of the efforts of the Office of Pipeline Safety (OPS) from its inception have been devoted to the development of regulations. After issuance of its initial regulations on August 11, 1970, the Department found that corrosion control was not adequately covered and therefore, after extensive effort, issued new corrosion control regulations effective August 1, 1971.

The Department's enforcement program was only initiated in 1971. It was admitted during hearings that "obviously, with the limited staff that we have, very little monitoring goes on." The other tasks of the Department under the Act such as developing effective safety programs on the part of the several States and safety research and training have also been slow in development.

Operations of the Office of Pipeline Safety have been hindered by an inadequate number of personnel. At the time of the hearings, the Office of Pipeline Safety was authorized to fill 29 positions, but had actually filled only 23. Only two full-time positions were devoted to enforcing compliance with Federal standards. It has also suffered in funding. The following table sets forth the personnel and funding history for the Office of Pipeline Safety.

HISTORY OF FUNDING AND PERSONNEL FOR OPS

| Fiscal year | Positions | | Grants in aid | | R. & D. | |
|---|---|---|---|---|---|---|
| | Budget request | Assigned [1] | Budget request | Assigned [1] | Budget request | Assigned |
| 1969 | 45 | 20 | ---------- | ---------- | $225,000 | ---------- |
| 1970 | 25 | 25 | ---------- | ---------- | 225,000 | $155,000 |
| 1971 | 49 | [2] 30 | $1,000,000 | $500,000 | 660,000 | 100,000 |
| 1972 | 32 | [2] 30 | 1,000,000 | 750,000 | 100,000 | 100,000 |

[1] This column reflects positions assigned, or funds allocated, to OPS after final congressional action on appropriations requests. OPS is not funded as an individual item in the budget; it is assigned positions and allocated funds from the amounts appropriated to the Office of the Secretary of Transportation.

[2] 3 of these positions have been assigned to the Assistant Secretary for Safety and Consumer Affairs to support OPS functions and programs.

On April 2, 1972, a Director for the Office of Pipeline Safety was appointed for the first time since creation of the Office. Lack of a Director has doubtless hindered development of strong administration of the Act. It is hoped that appointment of a Director will provide firmer direction for the Office and more rapid execution of its responsibilities.

It seems that, although the Department has established Federal minimum safety standards, many of the same concerns that led to the Act in 1968—uncertainty about the condition of the vast pipeline system, inadequate monitoring of compliance with standards, gaps in the regulatory pattern, expanding urban areas with attendant increasing risk of disaster, need for additional research into the techniques of pipeline safety—still remain. Only a beginning has been made into the safety activities contemplated in the Act. It is expected that performance of the several tasks of the Office of Pipeline Safety will be accelerated and strengthened during the ensuing three fiscal years for which this legislation authorizes appropriations. It is also anticipated for the size of the staff will be increased materially during the period for which appropriations are authorized. Amendments recommended by the Committee are designed to facilitate administration of the Act and also to lead the Department to develop a more complete and

comprehensive safety program. The Committee is aware that the enforcement of the Natural Gas Pipeline Safety Act will have to be watched carefully by this Committee for the purpose of determining whether additional amendments to the Act are required in order to assure an effective program for natural gas pipeline safety.

HEARINGS

The Committee's Subcommittee on Surface Transportation conducted hearings on November 9, 1971, on H.R. 5065 and on the companion bill, S. 980, and also on S. 1910, a bill introduced at the request of the National Association of Regulatory Utility Commissioners (NARUC) to amend the Natural Gas Pipeline Safety Act. It received testimony from the Department of Transportation, the National Transportation Safety Board, NARUC, and private citizens.

The Department of Transportation reviewed the activities of the Office of Pipeline Safety in administering the Act and specifically discussed subsequent responses by the Office to questions raised during the Committee's oversight hearing on the Act in July, 1969. The Department recommended (1) extension of the deadline for States to empower their pipeline safety agencies to impose monetary and injunctive sanctions to five years and (2) amendment of the Department of Transportation Act to permit transfer of authority over liquid pipeline safety matters from the Federal Railroad Administrator to the Office of Pipeline Safety. The Department supported (1) an amendment that would permit grants-in-aid to be made up to 50% of expenses incurred by States that act as agents of the Department to enforce compliance by interstate pipelines and (2) the amounts authorized by the House of Representatives. Among other proposals, the Department opposed making payment of grants-in-aid mandatory.

The National Transportation Safety Board (NTSB) reviewed its investigation of pipeline accidents and recommendations for alleviating safety problems. NTSB also recommended development of DOT leadership in meeting the problem of damage to pipelines caused by excavation or earth moving equipment.

NARUC criticized alleged shortcomings in the Federal safety standards, interference by the Office of Pipeline Safety in State efforts to fund safety inspections of interstate pipelines through assessment of those lines, and administrative actions and interpretations that tended to exclude the States from an effective role in pipeline safety. The Office of Pipeline Safety has subsequently changed its position on the assessment issue, now interpreting the Act not to address State power to assess interstate pipelines (*see*, February 17, 1972 letter from Office of Pipeline Safety, Senate Commerce Committee hearings. Serial No. 92–51, pp. 78–9.) NARUC recommended that (1) grants-in-aid be authorized to cover up to 50% of the expenses of States that act as agent of the Department to enforce compliance by interstate pipelines, (2) payment of grants be mandatory, (3) a study be made of State programs and funding resources, (4) Federal preemption of authority to set interstate safety standards be limited so that States could set more rigorous safety standards and (5) States be authorized to assess interstate pipelines to defray the expenses of their safety programs.

COMMITTEE AMENDMENTS

The Committee amendments were in the nature of a substitute text and an amended title to the Act. The following is a section-by-section discussion of the substitute text:

*Section 1. Extension of deadline*

The Committee recommends extension of the deadline by which a State must have in force legislation authorizing the State enforcement agency to impose monetary and injunctive sanctions from August 12, 1970 to August 12, 1973. After that date, States lacking such legislation will not be able to certify compliance with the Act and thereby qualify to enforce Federal safety standards. The Department recommended this extension (one year longer than that passed by the House of Representatives) in order to give those States whose legislatures meet biennially an opportunity to act. At this time 41 States plus the District of Columbia and Puerto Rico have provisions substantially the same as the Act. For two of the remaining States, New York and Pennsylvania, the Department is awaiting legal opinions from the appropriate State counsels that their State enforcement agency has the requisite powers. In four other States, Hawaii, Minnesota, Rhode Island, and Nebraska, there is no chance of legislative action until 1973. The extension recommended by the Committee should provide ample time for these States to act. It should not disrupt the legislative pattern of the Act, since the number of States affected by the extension involved is small.

*Section 2. Grants-in-aid for States that act as agent of DOT*

The Committee recommends that the Secretary of Transportation be authorized to make grants-in-aid up to 50% of the cost of personnel, equipment, and activities of States that act as agent of the Secretary in enforcing Federal safety standards for interstate pipelines. The Department supports this amendment. It originated the practice of entering into agency agreements with States for enforcement purposes because it did not have adequate manpower to enforce compliance itself. It regards the practice as a temporary arrangement until such time as the Department is adequately staffed to undertake full responsibility for enforcing compliance by interstate pipelines. Meanwhile, the States that cooperate with the Department to maintain interstate safety programs should not be required to bear the entire financial burden alone.

Based upon information informally received from the States that are presently serving as agents, this activity is estimated by the Department to cost about $75,000 during 1971.

*Mandatory payment of grants-in-aid.*—The House of Representatives passed an amendment to make mandatory payment by the Secretary of grants-in-aid. The Committee does not recommend adoption of this amendment. The Department of Transportation opposed this amendment because it believed that it would inhibit administrative discretion and might lead to indiscriminate payment of Federal funds. The discretion presently vested in the Secretary permits him to withhold grants-in-aid from States that do not adequately administer their safety programs. It gives him a sanction short of decertification to insure compliance by the States with the Act.

*Section 3. Cooperation with State and Federal agencies to improve safety programs*

The Committee recommends specific authority for the Department to consult with, and make recommendations to other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs. The Act currently directs the Department's attention primarily to establishment and enforcement of safety standards. However, it appears that there are safety problems that may not be corrected by safety standards for pipeline construction, maintenance and operation. An example is damage to pipelines arising from construction, excavation or earthmoving activities on other than pipelines projects. The National Transportation Safety Board noted the need for leadership to meet and solve this problem. The Department already has taken an initial step in this direction by preparing and disseminating model legislation for the protection of underground utilities. The recent tragic explosion in Annandale, Va., might have been prevented had the legislation proposed by the Department been in effect there. The creation of specific authority to take such steps will give the Department a stronger voice in promoting improved safety programs at the State and local level. It would authorize the Department to provide leadership to remedy problems not reachable by safety standards and the Committee expects that the Department will exercise such leadership.

*Section 4. Authorization*

The Committee recommends the authorization limits passed by the House of Representatives which are not to exceed $3 million for fiscal year 1972, $3.8 million for fiscal year 1973, and $5 million for fiscal year 1974.

*Section 5. Study of State programs and resources*

The Committee recommends that the Department be directed to prepare and submit to the President for transmittal to Congress a study of the pipeline safety programs being conducted in each State and the amount of funds required and available to implement such programs. The study would also contain an estimate of the amount of Federal assistance required, an evaluation of alternative methods of allotting such assistance to the States, and a discussion of other problems relating to effective State participation in the national pipeline safety program. The Act sought to establish a viable Federal-State partnership to carry out a national program to strengthen gas pipeline safety. The States were given a very important role to play in the program. It would be useful at this stage in the history of the Act to have an evaluation of State programs and the effect of the Act upon them in order to provide a basis for determining whether changes or adjustments in the Federal-State relationship are needed. Further, a careful analysis of State financial needs and resources will prove helpful in ascertaining the future financial requirements of the Act.

*Section 6. Jurisdiction over liquid pipelines*

The Committee recommends transfer of decision-making authority for liquid pipeline safety matters from the Federal Railroad Administrator to the Secretary. The Department of Transportation Act of 1966 transferred the liquid pipeline safety function from the Interstate Commerce Commission to the Federal Railroad Administrator. In administering these programs, the Department has learned that the technical aspects of liquid pipeline safety are substantially the same as the technical aspects of gas pipeline safety. In practice, the Office of Pipeline Safety acts as the entire technical staff for the Federal Railroad Administrator on liquid pipeline safety matters. Consolidation of the gas and liquid pipeline safety functions in the Secretary would increase efficiency and promote economy in the Department's performance of its responsibility in these areas.

Following enactment of the Natural Gas Pipeline Safety Act of 1968 and the creation of the Office of Pipeline Safety to administer that Act, the Department initially considered the feasibility of consolidating the gas and liquid pipeline safety functions in the Office of the Secretary. This interest was supported by the House of Representative's Committee on Appropriations in reporting the Department of Transportation and related agencies appropriation bill, 1970 (91st Congress, First Session, H. Rep. No. 91–642, November 13,

1969). Although the 1970 budget for the Federal Railroad Administration requested $150,000 and five positions for oil pipeline safety, the House Committee on Appropriations denied that request. That Committee's report, on page 26, contains the following statement:

"The Act establishing the Department of Transportation assigned to the Federal Railroad Administration the responsibility for carrying out the functions, powers, and duties of the Secretary pertaining to oil products pipeline safety. The budget for this Bureau requests $150,000 and 5 positions for oil pipeline safety. No funds are provided for this program under the Bureau of Railroad Safety in contemplation of its being merged with the Office of Pipeline Safety in the Office of the Secretary. That office is responsible for the administration of the Natural Gas Pipeline Safety Act of 1968. Because of the similarities existing in these two programs, it is apparent that their consolidation should provide for more efficient administration. The Committee is providing 5 additional positions for the Office of the Secretary with the intention that the Office of Pipeline Safety administer both the oil products and the natural gas pipeline safety functions. The Department has been considering the proper organizational placement of these functions. A firm decision on this matter should be made promptly."

Subsequent to that report, the Department of Transportation created a special task force to review the desirability of the consolidation urged by the House Appropriations Committee. The task force provided representatives of the oil pipeline industry with an opportunity to present their views concerning the proposal, and the Association of Oil Pipe Lines made its opposition to the consolidation known to the task force. Nevertheless, the task force recommended that the liquid pipeline safety function be consolidated with the gas pipeline safety function in OPS.

During the past several years, Congress has enacted statutes—such as the Federal Railroad Safety Act, the Rail Passenger Service Act, and the Emergency Rail Services Act—which have imposed on the Federal Railroad Administration substantially increased responsibilities with respect to the railroad industry. Under these circumstances, the liquid pipeline safety function, including safety regulation of the Alaskan pipeline, could be more effectively administered by an organization whose only responsibility is pipeline safety.

OTHER ISSUES

Amendments proposed by the National Association of Regulatory Utility Commissioners to permit States to set safety standards more stringent than Federal minimum standards (but not incompatible with any Federal law or standard) when necessary to eliminate or reduce a local safety hazard and to permit States to assess pipelines to fund their safety programs (if funding from other sources is inadequate) were put before the Committee. Since these amendments would make major changes in the Act and would require a period of time for consideration that would delay enactment of the authorizations needed by the Department, the Committee did not adopt them. These proposed amendments are worthy of consideration and it is the intent of the Committee to undertake consideration of them at a later date in its continuing effort to insure an effective pipeline safety program.

COST ESTIMATE

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of this Act for fiscal years 1972, 1973, and 1974 for which appropriations are authorized will be $11,800,000. The Committee knows of no cost estimates by any Federal agency which are at variance with its estimate.

## AUTHORIZATIONS FOR PROGRAMS OF THE NATIONAL BUREAU OF STANDARDS

The Senate proceeded to consider the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, which had been reported from the Committee on Commerce with amendments on page 1, line at the beginning of line 3, strike out "That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years" and insert "That there is authorized to be appropriated to the Department of Commerce not to exceed $5,000,000 for fiscal year 1973, not to exceed $9,000,000 for fiscal year 1974, and not to exceed $10,500,000 for fiscal year 1975"; and, on page 2, line 4, after "Sec. 2.", strike out "There are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years." and insert "There is authorized to be appropriated to the Department of Commerce not to exceed $3,000,000 for fiscal year 1973, not to exceed $4,500,000 for fiscal year 1974, and not to exceed $5,500,000 for fiscal year 1975."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was 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. 92-832), explaining the purposes of the measure.

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

PURPOSE

H.R. 13034 would authorize appropriations to the Department of Commerce fiscal years 1973, 1974 and 1975, to carry out the Fire Research and Safety Act of 1968 (Public Law 90-259 dated March 1, 1968; 82 Stat. 34) and the Standard Reference Data Act (Public Law 90-396, dated July 11, 1968; 82 Stat. 339). This bill would also amend the Act entitled "An Act to establish the National Bureau of Standards," (31 Stat. 1449) approved March 3, 1901, as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

BACKGROUND AND NEED

A. THE FIRE RESEARCH AND SAFETY ACT OF 1968

In enacting title 1 of the Fire Research and Safety Act of 1968, the Congress declared that a comprehensive fire research and safety program is needed in this country to provide more effective measures of protection against the hazards of death, injury, and damage to property and authorized the Secretary of Commerce, through the National Bureau of Standards, to undertake and carry out such a program. The annual toll in this nation from fire is estimated at 12,000 deaths, several hundred thousand injuries and property losses in excess of $2 billion.

The funds obtained through the authorization provided by this bill will enable the Department of Commerce to continue and expand its conduct of needed fire research in those areas authorized by the Fire Research and Safety Act—areas which are not now adequately being carried out by any private or government agency. A central purpose of the cited 1968 Act was to establish a focal point upon which research efforts at fire control and prevention could be centered.

Section 102 of the cited 1968 Act authorizes the Secretary of Commerce to conduct directly or through contracts or grants, the following activities:

(1) Investigations of fires as to their causes; frequency of occurrence, and severity of losses;

(2) Research into causes and nature of fires, and the development of improved methods and techniques for fire prevention and control;

(3) Public education on fire hazards;

(4) Fire information reference services;

(5) Education and training programs for professional firefighters; and

(6) Demonstration projects.

The funding that has been available to date for these activities has permitted only limited implementation of the Act. However, by integrating the management of scientific activities in support of the Flammable Fabrics Act and Fire Research and Safety Act under a new Office of Fire Programs, the National Bureau of Standards (NBS) has assembled a staff with exceptional technical competence in the field of fire research and technology.

For fiscal year 1973, NBS plans an expanded program under the Fire Research and Safety Act that will be conducted in close collaboration with the firefighting community and the building design community. Insofar as possible, demonstration programs and investigations will be carried out in local fire departments. The program will have three primary thrusts; fire prevention, improved fire detection and control, and improved firefighting techniques and equipment.

In the area of fire loss prevention, some experimental public education programs will be introduced in selected communities in fiscal year 1973. The effectiveness of improved building inspection and code enforcement techniques will be explored. The problems of protecting and removing people during a fire will be approached in a systems context, with particular attention to the problems of high-rise buildings, hotels, and hospitals.

Currently available smoke and fire detectors will be evaluated to develop performance criteria for detector selection and improved detector design and location practice. Automatic fire suppression systems, such as sprinklers, will be studied to determine the feasibility of developing systems for residential as well as commercial use.

Other programs in support of the fire services will include demonstration projects to test protectice gear, and performance standards for new equipment aimed at lowering acquisition and maintenance costs. Demonstration projects for regional fire dispatch centers will be organized so that areas containing numerous small fire service jurisdictions can be better protected. A program to stimulate interchange of techniques and ideas in the fire service through interdepartmental exchange of personnel also is proposed.

In addition, strengthened research, data collection, and information dissemination programs will support these new activities. This major expansion of the Fire Research and safety Program, Commencing in fiscal year 1973, is viewed by this Committee as a major step toward the development of a pro-

gram of sufficient size to make a significant impact on the national fire problem.

Title II of the Fire Research and Safety Act established a National Commission on Fire Prevention and Control. This Commission, recently appointed by the President, will undertake a thorough study and investigation with the view of formulating recommendations whereby the Nation can reduce the destruction of life and property caused by fires in its cities, suburbs, communities, and elsewhere. However, none of the funds authorized by this bill are to be used by the Commission.

B. THE STANDARD REFERENCE DATA ACT

The Standard Reference Data Act declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. It directed the Secretary of Commerce to carry out this policy by providing for the collection, compilation, critical evaluation, publication and dissemination of standard reference data.

The National Standard Reference Data System, established within the Department of Commerce under this Act, is administered by the National Bureau of Standards. Reference data are the results of quantitative measurements of the physical and chemical properties of substances. These numbers represent the properties of materials such as their melting points, strength, density, electrical resistance, and the like, which are needed by engineers and scientists in their daily work.

The National Standard Reference Data System is a nation-wide program to give the technical community of the United States optimum access to the quantitative data of physical science, critically evaluated and compiled for convenience. The principal focus of the program is on reliable quantitative information about the physical and chemical properties of well-defined substances. It seeks to upgrade the quality of experimental work throughout science and technology in the United States by publishing evaluations and criteria for carrying out and reporting laboratory measurements. It attempts to increase the productivity of American science and technology by insuring the ready availability of reliable data.

The funds obtained through the authorization provided under this bill will permit the continued support of ongoing efforts of the standard reference data system. It will allow also the orderly expansion of existing data collection and evaluation projects together with the initiation of new projects to fill gaps in important areas. A principal goal of the Standard Reference Data Program is that of providing authoritative reference data in fields of current concern to the scientists and engineers of the nation. As an illustration of the type of work on which this Program has focused, attention has recently been directed to repackaging of data for certain user groups who are concerned with major national technological problems. One such collection is expected to play an important part in a program aimed at design of more efficient, safer, and pollution-free incinerators. Another current project involves the preparation of data sheets on chemical substances which play a significant role in air pollution. Many different kinds of data will be collected in these sheets. Through this type of repackaging the most reliable physical property data will be made available to the growing number of scientists who are involved in air pollution research.

In addition, the National Bureau of Standards is making a study of the data requirements associated with the development of practical methods for production of heating gas from coal. This study involves experts from industry, government, and universities who will advise NBS on contributions which the Standards Reference Data Program can make to this important national effort. Another study is in progress on ways to provide critically-needed data on the properties of gases which are used in large quantities in the petrochemical industry.

C. AMENDMENTS TO ORGANIC ACT OF NATIONAL BUREAU OF STANDARDS

The Act entitled "The Act to establish the National Bureau of Standards" (31 Stat. 1449) approved March 3, 1901, as amended, is the Organic Act of the National Bureau of Standards which sets out the Bureau's authority and describes its functions. The overall goal of the National Bureau of Standards, a primary operating unit within the Department of Commerce, is to strengthen and advance the Nation's science and technology and facilitate their effective application for public benefit. To this end, the Bureau conducts research and provides: (1) a basis for the Nation's physical measurement system, (2) scientific and technological services for industry and government, (3) a technical basis for equity in trade, and (4) technical services to promote public safety.

This bill would permit improvements in the fiscal and administrative practices of NBS for more effective conduct of the Bureau's research and development activities by making the following amendments:

(1) Appropriation of funds to remain available beyond one fiscal year;

(2) Clarification of authority to engage in teaching and training activities in areas of special NBS competence;

(3) Clarification of authority to perform services for international organizations and governments of friendly countries and their institutions;

(4) Increase monetary limitation relating to construction and improvement of NBS buildings and facilities from $40,000 to $75,000; and

(5) Clarification of authority to provide care, maintenance and protection of the buildings and property of NBS.

The bill adds a section 18 to the NBS Organic Act, revises portions of sections 2, 3, 14 and 15 of that Act, and would repeal that portion of a 1926 statute which would become superfluous upon the enactment of the proposed revision of section 15 of the Organic Act. A brief description of each of the amendments made by section 3 is set out below:

*Section 18*

The proposed section 18 would provide statutory authorizations for appropriations for NBS to be on a multiple year basis or to be without fiscal year limitation. The final determination whether to limit the availability of an appropriation is made when the Congress acts on the appropriation bill, but an appropriation bill providing for a departure from single-year availability would be subject to a point of order if an authorizing statute had not previously been enacted. The proposed legislation is, therefore, a first step that must be taken before the question of extended appropriation availability can be raised with the Appropriations Committees.

Most research and development appropriations for other agencies are provided as "no-year" funds, available until expended. Their justification is found in the uncertainties inherent in research programs, the high incidence of unpredictable factors that compel readjustment of program activity and the need for flexibility to permit prompt response to changed circumstances.

*Amendment to section 2*

The proposed amendment to paragraph (19) of section 2 of the Organic Act would clarify the authority of NBS to engage in teaching and training activities in areas of special NBS competence. It would clarify the status of NBS scientific and technical personnel by allowing them, under certain circumstances to teach at educational institutions of higher learning as part of their official duties. The amendment would provide a clarification of the authority to publish and distribute scientific and technical data presently permitted. Such clarification would serve as a further means of diffusing the technology of NBS. It would serve also to facilitate, when needed, the establishment of cooperative arrangements with educational institutions. Thus, arrangements similar to that involving the highly successful Joint Institute for Laboratory Astrophysics (JILA), which NBS established in cooperation with the University of Colorado some years ago, could be consummated with greater ease because of a more appropriate legal framework in which to operate.

The activities authorized by paragraph (19), section 2, of the Organic Act are among the most important services offered by NBS. This authorization provides the basis for the extensive program of publications, exhibits, and demonstrations through which the science and technology evolved at NBS are transferred to the scientific and industrial community. It permits NBS to compile and diffuse general scientific and technical information of importance to science and industry, and not elsewhere available, in addition to reporting the results of NBS studies.

*Amendment to section 3*

The proposed revision of section 3 of the Organic Act would clarify the authority of NBS to perform its services for international organizations of which the United States is a member and for friendly countries and their institutions. At present, NBS has specific authority to exercise its functions only for the Federal Government, State and local governments, and for institutions and firms within the United States.

The increasing complexity of modern measurement techniques combined with the increasing cost of facilities required to calibrate and standardize measurement instruments which are a vital part of international commercial, technological, scientific, and defense activities has created a growing need for NBS under direction from the Department of Commerce to provide calibration, measurement, and other specialized services to certain international organizations and to friendly foreign countries. Moreover, the position of the United States as a leader in the international community in science and technology requires it to take an active part in encouraging international standardization.

For many years NBS has cooperated with the national standards laboratories of other nations, both directly in cooperation with the Department of State, and indirectly through the International Bureau of Weights and Measures. NBS also has cooperated with various other foreign scientific institutions which are engaged in studies of direct interest to NBS or other agencies of the U.S. Government. These exchanges of scientific information and special measurement services have been encouraged as an essential part of the responsibilities of the NBS and the Department for the correlation of our national measurement system with those of other nations, and for the precise determination of important physical constants.

In recent years, however, there have been increasing requests for NBS assistance from a variety of sources in other countries including commercial laboratories, as well as government and academic institutions. For example, friendly foreign purchasers of the highly sophisticated scientific and technological measurement instruments produced in the United States should be able to obtain calibration services from NBS when suitable services are not available in their own country. However, in view of the limitations implied in its Organic Act, NBS generally has restricted such assistance to requests from

other national standards laboratories, and to requests endorsed by other Federal agencies, such as the Department of State. Such an endorsement provides a clear legal basis for NBS to provide the service under its responsibility for assisting other Federal agencies.

In view of the increasing importance to the United States of international trade, and the very significant role of measurements and standards in facilitating such trade, it is now essential that NBS have greater flexibility in responding to the growing number of requests for its assistance from foreign and international sources. In particular, the extension of calibrating and related measurement services to underdeveloped countries can be an important factor in encouraging the use of U.S. produced instruments and equipment in their laboratories and emerging industries. Moreover through their adoption of measurement devices and techniques compatible with U.S. practice, the way is cleared for a continuing fruitful exchange of goods and services with the United States.

The proposed clarification of the authority of NBS would enable it to respond more rapidly and effectively in those situations where its services can make an important contribution to U.S. objectives in international trade and international scientific programs. These services would be provided selectively when they are not available elsewhere, and are essential to U.S. objectives.

The services of NBS normally are provided on a reimbursable basis. The proposed legislation would not alter the procedure. The technical assistance provided to the commercial laboratories of other nations under the proposed authority will be at no additional cost to the United States. The authority would be subject to existing rules and regulations and to such others as the Secretary of Commerce may publish.

*Amendment to section 14*

The proposed legislation would increase the monetary limitation on construction and improvements of buildings and facilities of NBS to $75,000. At present, the limit on such construction or improvements is $40,000 unless specific provision is made for construction or improvements in the appropriation concerned.

The monetary limitation was originally established in 1950 at $25,000 and increased to $40,000 in 1958. The present limitation has, over the past 14 years, become obsolete as a result of the increasing cost of construction work and material and in meeting the expanding needs of NBS in fulfilling its mission. While specific appropriation authority is sought for extensive construction and improvement of the buildings and facilities of NBS, it frequently is not possible to anticipate relatively minor construction and improvement needs so as to include such items in the specific appropriation request.

Accordingly, unless an increase in such monetary limitation is obtained, undue delay is encountered until the specific appropriation authorization is obtained even though the construction work in question is comparatively small. To avoid this situation, it is desirable to raise the mentioned $40,000 limitation to $75,000. The proviso presently in the statute requiring specific provision in the appropriation concerned to construct buildings or make improvements in an amount in excess of the monetary limitation would remain unchanged under the proposed amendment to this section of the Organic Act.

*Amendment to section 15*

The proposed legislation would amend section 15(b) of the Organic Act with respect to protection of the property of NBS. A portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) gave to the Secretary of Commerce the responsibility for "the care, maintenance, and protection of the buildings occupied by the Bureau of Standards of the Department of Commerce in the District of Columbia . . .".

NBS has now virtually completed the move of its offices and staff from its site in the District of Columbia to its new facilities at Gaithersburg, Maryland. NBS has also maintained for some years a large installation at Boulder, Colorado. The withdrawal therefore of the activities of NBS in the District of Columbia and the establishment of its major operations at Gaithersburg takes on added importance with regard to providing for the care and protection of the buildings and property of NBS.

The proposed legislation would amend section 15(b) of the Organic Act by confirming the authority of the Secretary of Commerce to provide care, maintenance and protection of the buildings and property of NBS without limiting such authority to those buildings located in the District of Columbia. As the authority granted by the proposed amendment would supersede the 1926 statute, this legislation would repeal a portion of the Act of April 29, 1926. Repeal of a Portion of 44 Stat. 356, 40 U.S.C. 14a.

This is a conforming action to reflect the amendments to Section 15(b) of the NBS Organic Act as stated above.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I be recognized now?

The PRESIDENT pro tempore. The Senator from Montana is recognized for 3 minutes.

## REDUCTION OF AMERICAN FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in 1970 there was a hearing before the House Subcommittee on Europe entitled "U.S. Relations With Europe in the Decade of the 1970's."

There was a very interesting exchange in that hearing between the Representative from Indiana, LEE H. HAMILTON, and Assistant Secretary of State for European Affairs, Martin J. Hillenbrand, now serving as our Ambassador to West Germany.

I should like to quote from the testimony:

Mr. HAMILTON. Mr. Secretary, you made it clear that you don't think we ought to unilaterally reduce our forces, and you have also indicated that it is not likely that there will be any mutual reduction.

Under what circumstances is it possible that we would have a situation where we could reduce troops in Europe?

What events would trigger, in your mind, the likelihood of a reduction of American forces?

Really, from your comments, I don't see that you would ever consider a reduction in the near future at all. What kind of things would have to happen, before you think we ought to bring American troops home or reduce American troops?

Mr. HILLENBRAND. Well, I think looking at the situation overall, some of the areas of major contention between the East and the West which still exist would have to be at least nearer solution than they are at the present time.

If all things went right, during the next couple of years, . . .

I would urge my colleagues to listen to this—

. . . if the SALT negotiations, for example, turned out to be a great success, and there were agreement reached in major areas under discussion, if the German eastern policy succeeds, and all of the various agreements which the German Government is trying to achieve with the Soviet Union, with Poland, and with East Germany, are achieved; if the trade between East and West expands; if there is greater exchange, culturally, economically, scientifically, and so on; and if it becomes quite obvious that the entire atmosphere between East and West is changed; then in effect, the postwar situation has completely come to an end, the transitional period is over, and we are in a new era.

Mr. HAMILTON. Are you saying to me all those things have to happen before you are willing to consider any reduction of troops?

Mr. HILLENBRAND. No, I am saying this is the ideal situation, and if that happened, then you wouldn't probably need many troops at all.

Mr. President, that is very interesting commentary. Most of the factors there outlined by Mr. Hillenbrand have been achieved. I would hope that what this distinguished Ambassador to West Germany at the present time said, and the ideas which were held by him as the Assistant Secretary of State for European Affairs, would be given consideration by this administration with a view to seeking a reduction in the 525,000 U.S. troops and dependents stationed in Western Europe more than a quarter of a century after the end of the Second World War.

Mr. SCOTT. Mr. President, as I have said on other occasions, I favor a rigid and balanced reduction of forces in Europe. I favor a European security conference in which all concerned nations, including the United States and Canada, are represented. I welcome evidence that the cold war period is ending and that a thaw has obviously set in, as evidenced by the Moscow summit, the President's reception at Warsaw, and the treaty negotiations going on between West Germany and East Germany and West Germany and Russia.

What we do not have yet is a clear indication as to whether the original Brezhnev doctrine has been superseded. That doctrine says, in effect, that the duty of the Soviet Union is to exercise a sort of paternalism over what we used to call the satellite countries, the other Communist countries of Eastern Central Europe.

Mr. President, until we are sure that there will be no more Czechoslovakian or Hungarian interferences coming from outside, we obviously have to retain some forces in Europe. I hope that the general declaration of principles enunciated at Moscow will lead to a clarification and make it clear that the old Brezhnev doctrine does not apply and that the Soviet Union does not feel it necessary to maintain its concept of communism by force in its neighboring countries.

If that is the case, then we will truly see a reduction of forces in Europe and a reduction in the cold war.

Mr. MANSFIELD. Mr. President, it appears to me that all of the conditions laid out by the Assistant Secretary of State in Charge of European Affairs have, in effect, been met. If we are going to wait until Russia does this, that, and the other thing, I am afraid that we can look forward to an indeterminate, if not a permanent, stationing of U.S. personnel

and dependents in Europe over all too many decades, not years, to come.

Mr. SCOTT. Mr. President, the whole thrust of my remarks is to indicate that the Moscow statement of principles could be read to indicate a modification of the original Brezhnev doctrine. And I hope that is the case. However, we want to assure that the Soviet Union does not engage in other cases of adventurism, as in the case of Hungary and Czechoslovakia, and that they enter into a genuine brotherhood with the other countries of Europe so that the chances of peace will be enhanced.

## BIG SHIFTS AHEAD FOR U.S. NUCLEAR ARSENAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the U.S. News & World Report under date of June 12, 1972. The article is entitled "Big Shifts Ahead for U.S. Nuclear Arsenal." The article goes into some detail as to what the effect of the SALT agreements, the Nixon-Brezhnev agreement will be.

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

DESPITE THE ARMS FREEZE: BIG SHIFTS AHEAD FOR U.S. NUCLEAR ARSENAL

Thousands more warheads, new bombers and submarines . . . they're all in White House blueprints for staying on a par with Russia in days to come.

President Nixon's arms-control agreements with the Russians are headed straight into a cross fire of controversy in Congress.

Critics on one side already are charging that the United States was "taken to the cleaners" by the Soviet Union, endangering national security for years to come.

On the opposite side, demands are rising for immediate, billion-dollar slashes in defense spending in view of the limits on numbers of nuclear weapons imposed by the accords.

The White House, in the days following the May 26 signing in Moscow, has been trying to answer critics on both sides. What emerges from official sources is the following picture:

Big changes and improvements are ahead for the U.S. strategic arsenal, despite the freeze. The arms-limitation agreement is not so encompassing that it can keep the U.S. from strengthening its technological lead over the Soviet Union, or from increasing the number of warheads by almost 100 per cent in the next 10 years. The point is driven home that the security of the U.S. is not endangered.

Because of the extensive changes ahead, there will be no savings in defense spending during the coming year. The budget for strategic nuclear forces, in fact, calls for a rise from 7.6 billions to 8.8 billions in the year starting July 1.

KEY PROVISIONS

The Moscow agreements provide in part for the following:

The U.S. is limited to 1,710 offensive missiles—the number now in the arsenal—and 200 defensive missiles. Within certain limits, the U.S. can substitute outmoded land-based missiles with more submarine missiles. There is no ceiling on the number of warheads a single rocket can carry.

There is no restriction on long-range bombers and none on technological developments—that is, the creation of wholly new weapons systems.

As to numbers alone, Mr. Nixon handed the Russians a potential lead in offensive missiles—2,500 to 1,710—a fact that has given rise to much of the criticism.

The U.S., however, has more than twice as many warheads as the Russians—5,700. If present plans are carried through, the number will come close to doubling in 10 years. That is one change being contemplated to make sure the U.S. does not fall behind.

How will that—and other changes—be carried out? The chart on this page gives an outline. In more detail:

LAND-BASED MISSILES

The U.S. has 1,000 Minuteman missiles and 54 older, liquid-fueled Titan missiles. There are actually three generations of the Minuteman missiles. In military shorthand, they are designated MM-I, MM-II and MM-III. The MM-III is designed to carry "MIRV" warheads—"multiple, independently targeted re-entry vehicles"—as many as three nuclear warheads in a single nose cone instead of one.

At present, there are 150 MM-III's in silos ready to fire. Ultimately, the Air Force plans to have 550 of the Minuteman III's and 450 of the MM-II's, which carry a more-powerful single warhead. All the first-generation Minuteman missiles are to be phased out.

The nation's investment in the first two generations of Minuteman is 11.4 billion dollars. The Air Force estimates that by the time it has all the MM-III's in place, an additional 6 billion will have been spent.

SEA-BASED MISSILES

The U.S. has 41 missile-launching submarines—10 converted to carry a missile with multiple warheads, known as Poseidon. The others carry single-warhead Polaris missiles. Each submarine has 16 launching tubes.

In time, the Navy plans to reverse the Polaris-Poseidon ratio, eventually acquiring 31 Poseidon submarines.

So far, the Navy has invested 14 billion dollars in the Polaris-Poseidon systems. When the program is completed, the total cost will be close to 20 billion dollars.

Under the Moscow agreement, the Navy could increase its missile-carrying submarines to 44, but only if the 54 obsolescent Titans are scrapped.

Beyond the Polaris-Poseidon system, the Navy is developing another, named Trident, which will carry intercontinental-range missiles—6,000 miles. Present maximum range of submarine-launched missiles is 3,000 miles.

This force, however, cannot be deployed during the five-year life of the Moscow missile agreement. Each of the initial 10-submarine Trident fleet would cost more than a billion dollars, according to some estimates.

The Navy is asking Congress for 942 million dollars in 1973 to continue developing the Trident system, compared with 140 million in 1972. The Tridents would not become operational before 1978.

ANTI-BALLISTIC-MISSILE MISSILES

The Moscow treaty limits each nation to 200 ABM's. Originally, the Army planned to deploy ABM's at 12 sites to protect the Minute-man missile launchers, beginning at Grand Forks, N.D., and Malmstrom, Mont. The ultimate cost was put at between 12 billion and 15 billion dollars.

Under terms of the treaty, 100 ABM's will be deployed at Grank Forks, the other hundred around Washington, D.C.

The abrupt change has thrown cost analysts in the Pentagon into admitted confusion. The Army already has spent more than 400 million dollars preparing the two Western sites. While Grand Forks is nearing completion, the Malmstrom site is only 8 per cent complete.

What it will cost to close down the Malmstrom construction and install 100 ABM's around Washington is under study. In the past two years alone, the Army has spent 2.5 billion dollars developing missiles and radars to occupy the two Western sites. It has asked Congress for an added 1.5 billion in funds for 1973.

BOMBERS

The Air Force's long-range-bomber fleet has 440 aging B–52s and 76 swing-wing FB–111s. The first B–52 was delivered in 1955, the last in 1962.

To preserve the strike capability of the B–52s, the Air Force is planning the introduction of two new weapons.

The first is an air-to-ground nuclear missile known as "SRAM"—short-range attack missile. The B–52s—and a bomber yet to be developed—will carry up to 20 of these supersonic, 85-mile-range weapons.

The second, also nuclear-armed, is called "SCAD"—subsonic cruise, armed decoy. These are basically pilotless aircraft with a range in excess of 200 miles. They are to be lifted by bombers into the attack area to confuse and destroy defenses.

Air Force plans call for replacement of the B–52s with 227 new B–1 bombers, at a projected cost of up to 10 billion dollars. The first of these supersonic aircraft is scheduled to make its initial flight in April, 1974. After that it will undergo a full year of tests. The B–1 will not reach the Air Force in significant numbers until the 1980s.

For the next five years, heavy emphasis is to be placed on research and development of entirely new weapons.

The U.S., for example, is interested in light rays, called lasers, to guide missiles with pinpoint accuracy in the final stages of flight and to search out submarines at unimaginable depths—at least by today's standards.

Intensive work on lasers capable of shooting down planes also is reportedly under way. Lasers to explode thermonuclear warheads are being investigated.

Some military experts insist the next step in reducing the "balance of terror" is to find a way to curb the technological race. Others think such a curb would be impossible to achieve, or police.

"MEGATONNAGE GAP"

Part of the criticism of Mr. Nixon's arms agreements stems from what critics call the "megatonnage gap." Russian warheads range in size from 1 to 25 megatons; some authorities say 50. U.S. warheads are much smaller. They range from 17 kilotons to nearly 10 megatons. Most are thought to be in the 200-kiloton to 1.2-megaton range. A kiloton is equal to the explosion of 1,000 tons of TNT; a megaton, a million tons.

White House spokesmen, however, point out that a 20-megaton warhead is not twice as effective as a 10-megaton bomb. For example, the Atomic Energy Commission reports a 10-megaton bomb will cause severe damage to reinforced concrete structures in a 5-mile radius around "ground zero." A 20-megaton burst would extend this range 1 mile.

A U.S. official described an "effective" warhead in these terms: "If a weapon is designed to take out New York City and can, and then you make it bigger than necessary, you haven't accomplished anything."

The U.S. long ago concluded that size alone was no measure of over-all effectiveness and concentrated on superior accuracy instead.

For a potential enemy, the U. S. nuclear arsenal—freeze or not—poses a formidable problem. It is this:

An attacking power must destroy nearly all U. S. offensive weapons at a single blow to escape devastating retaliation. American experts say that is now impossible.

The enemy would have to locate and sink all 41 missile submarines, catch 516 bombers on the ground at widely scattered bases and knock out most of the 1,054 land-based missiles, all simultaneously. Otherwise, an at-

tack on one element would automatically alert the others.

Against that background, the White House is convinced that the nation retains a wholly adequate deterrence to nuclear war, now and for years to come.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from New York is recognized for not to exceed 15 minutes.

## THE MASSACRE OF AMERICAN AIR TRAVELERS

Mr. JAVITS. Mr. President, I wish to note that this very morning a U.S. Air Force plane is bringing back to Puerto Rico the bodies of 16 murdered Puerto Rican Christians who were engaged in a religious pilgrimage to Israel. This is not really an incident of the Arab-Israel war. This is the outright murder of American citizens and innocent travelers.

The citizens of Puerto Rico are American citizens. They serve in the Armed Forces of the United States, and they are part of our country as much as are the citizens of any State.

There is involved here a very serious question for our country. It is well known as to what my own views are as well as the views of many Senators in terms of the foreign policy of our Nation respecting Israel and the Arab-Israel struggle. We have debated the subject many times in the Congress. The policy of the President has great support in the Senate, in the House, and throughout the United States.

However, Mr. President, we are now dealing with the wanton murder of 26 people, 16 of whom were Americans, and the wounding of 75 others in the Tel Aviv International Air Terminal—those 16 Americans were ostensibly protected by our flag.

The responsibility which we have to Americans who travel abroad may very well be proven to be devoid of real substance unless our Government does something to dramatize to other governments that we will not countenance airborne terrorism and that we will not countenance any explicit support for such terrorism by any country which has friendly relations with the United States.

Mr. President, when American travelers are killed in such a brutal and deliberate massacre of international air passengers, then it is a question of protecting the lives of American citizens in the tradition of our country going back to the time when we were first recognized as a nation.

I think that the world is appropriately appalled that any people, let alone any nation, would claim credit for such a dreadful and brutal mass murder as took place in the Tel Aviv Airport. But credit is being claimed by people who live in Lebanon, or who are at least harbored there, and who seem to be training and arming for such international forays.

There was even some satisfaction expressed in Lebanon that this act had been done. We have not seen anyone arrested by Lebanese authorities as a collaborator for this crime, although Arab terrorist organizational spokesmen have come forward and claimed credit publicly for this deed in an office operated openly in downtown Beirut. We heard of a press announcement by an Arab organization spokesman in Beirut who said, "Our purpose was to kill as many people as possible."

That is not only their purpose for the present, but also for the future.

In addition to this, we have the second highest official in Egypt, the Premier of that nation, comment upon this murder of innocent people in Tel Aviv, including the 16 American citizens, that the deed proved that "we are able to achieve victory over Israel."

Actually, the incident proved nothing except that fanatics could be seduced into performing mass murder against innocent travelers.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times of June 4, 1972, relating to this incident.

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

AFTERMATH OF LYDDA

To the horror of the massacre of innocents at Tel Aviv Airport must now be added the disgraceful—almost lunatic—comment of the Premier of Egypt, who said that the assault proved only "that we are able to achieve victory over Israel."

What everyone in the world except Premier Aziz Sidky knows, of course, is that the tragic incident proves absolutely nothing except that there are fanatical extremists in almost any country who can be seduced into performing insane acts of violence in imagined furtherance of revolutionary chaos. The Premier's savage remark was not only callous, it was extremely foolish, and it surely cannot represent the thinking of the serious and intelligent leaders of Egypt, the most sophisticated country of the Arab world.

The Japanese terrorists who performed the outrage at Lydda were evidently not devotees of the Palestinian cause as such, but typically extreme left-wing revolutionaries who believe that world chaos must precede world revolution. Whatever else may be said about the kind of action stemming from this view, it cannot conceivably advance the interests of either Palestinian nationalism or Egyptian or Arab stability. In gloating over this "victory," the poor Egyptian Premier is in fact encouraging activities aimed fundamentally at the destruction of his own as well as of all other governments.

What is much worse and of more immediate import, the reaction of Egypt's second highest ranking official can only strengthen the conviction of many Israelis that the Egyptian Government lacks sincerity in its protestations that it is now genuinely desirous of reaching a peaceful settlement with Israel. Since President Sadat's accession to power, this theme has been repeatedly stressed by responsible Egyptians, and there are a good many people in this country, and some even in Israel, who have begun to take them seriously. But the kind of comment Premier Sidky has just made about the Lydda incident undermines at one stroke whatever confidence may have been growing in this direction. It will only strengthen a still widely held conviction—in Israel and abroad—that Egypt is aiming less for peace than for Israel's destruction.

As for the Palestinians, their encouragement of such madness as occurred at Lydda is suicidal. The West Bank Palestinians are developing a sense of nationalism that will doubtless intensify even under the not very onerous Israeli occupation, but obviously terrorism is only going to bring on a hardening of Israel's position toward Arabs in general and Palestinians in particular. Retaliation is not the answer either, but if retaliation is to be avoided, the Lebanese Government will have to take far stronger measures against the terrorists and guerrillas operating from within and across its borders than it has yet had the will—or the power—to undertake. The Egyptians would do well to help Lebanon in the effort to curb terrorism instead of egging it on.

Mr. JAVITS. Mr. President, in the editorial the New York Times said that—

In gloating over this "victory," the poor Egyptian Premier is in fact encouraging activities aimed fundamentally at the destruction of his own as well as of all other governments.

The question for us is: What shall we do about it?

What should be the role of the U.S. Government in connection with the killing of 16 Americans which took place in this calculated and deliberate massacre?

In my judgment, the United States should require from the Government of Lebanon a full accounting of what takes place on its soil culminating in murder of Americans. We must demand an investigation to prove or disprove the complicity of those harbored on Lebanese territory with this terrible crime.

We should ask the Lebanese Government to satisfy us as to what is happening on its territory in this respect.

As to the Government of Egypt, we have the right to ask the President of Egypt, who is the responsible national executive in Egypt, and constantly proclaims that fact, whether he shares the view of his Prime Minister, thereby encouraging such incidents which resulted in the death of 16 Americans.

What I am seeking to emphasize today is the fact that we are dealing with the killing of American air travelers and not with Arab-Israel relations. We are dealing with the claim that this terrorism and murder originated from Lebanon with which we are friendly, and the statement by the No. 2 man of Egypt that he derives great satisfaction from it. I do not believe the United States can tolerate this wanton barbarism which has resulted in the killing of 16 Americans. There are steps we can take.

We maintain friendly relations with Lebanon and Egypt. American commercial airplanes travel to each of these countries, as do the airlines of the world. It is not my desire here to assess blame or the lack of it in respect of any other country concerned. But an Air France plane was involved and it went via Italy. The Government of Israel will have to deal with those considerations.

I think our Government has a duty and a responsibility to get to the bottom of the matter of involvement of Lebanon and Egypt, and, if necessary, to cancel or cause our airlines to cancel international flights to both Lebanon and Egypt. In addition, both of these countries solicit American tourism and there is a question whether American tourists

should be encouraged to travel to these areas in light of the recent events.

I very much hope that the appropriate agencies of the U.S. Government will immediately look into this matter. Our Government has to account to its people for the killing of 16 Americans in so horrendous a manner. I urge strongly that our Government look into the situation from that point of view.

Additionally, I understand that the wounded and other Puerto Rican survivors are people of very modest means and many have even lost their personal belongings in the holocaust. Our Government should make arrangements for transportation home of all Puerto Rican Americans involved and provide extended medical care for the wounded.

Mr. President, I ask unanimous consent that various editorials and news stories bearing upon this tragic situation may be printed in the RECORD.

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

[From the New York Times, June 6, 1972]

STOPPING AIR PIRACY

It is now four months since the Federal Aviation Administration ordered airlines to screen all passengers in the hunt for potential skyjackers. No reader of the nation's front pages needs convincing that the effort has failed, nor can any frequent passenger on the airlines be unaware that in many places not even the most rudimentary screening effort is discernible. Apparently one doesn't even need weapons or a bomb to take over an airplane these days. The hijacker flown to Algeria last weekend turned out to have two books and a shaving kit in a briefcase he said contained explosives.

At the core of the problem are at least two factors. First, a tight screening program with the requisite equipment and personnel at every airfield gate in the country would be expensive. Second, a genuine security program would interfere drastically with the goal of high-speed, convenient transportation, the commodity the airlines sell. On an average day almost a half million persons board planes in the United States; thorough inspection of all passengers and their luggage could not be done quickly, especially at the peak periods of departure each morning and late afternoon.

Nevertheless, the proliferation of skyjacking makes it plain that the airlines have no alternative—despite the cost and inconvenience—to tightening up their screening procedure far beyond anything that now exists. Continuation of the present trend is certain to exact a cost in lives and planes far beyond anything experienced to date. Worse still, the massacre at Lydda last week is bound to plant dangerous ideas in the minds of political fanatics and mentally unbalanced individuals. The future of air passenger traffic as we know it is tied up with the quest for ways and means to end this modern and most perilous form of piracy.

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[From Newsweek magazine, June 12, 1972]

THE LYDDA MASSACRE: MURDER BY PROXY

For some time, Israeli intelligence agents had warned that the Palestinian guerrillas were about to unleash some spectacular stroke. Two weeks ago, in light of those warnings, Asher Ben Nathan, Israel's ambassador to France, was instructed to call on Hervé Alphand, Secretary-General of the French Foreign Ministry, to make a plea for increased security precautions on Air France flights to Israel. Specifically, Ben Nathan told Alphand that his government suspected the guerrillas would try to smuggle arms into Israel by placing them in the hold luggage aboard an incoming flight. Coolly, Alphand replied that the Israelis had no cause for concern. Although he did not say so, Alphand knew that as a token of appreciation for France's friendly policy toward the Arabs, the terrorists had assured Paris that they would never involve Air France in their struggle against Israel.

Tragically, those assurances proved worthless. Just as Ben Nathan had predicted, the Palestinians loosed a horrifying terror attack on Israel last week—and it was an attack with a bizarre twist. As the passengers from Air France Flight 132 milled around luggage conveyor belt No. 3 at Tel Aviv's Lydda Airport, three young Japanese travelers spotted their bags and lifted them off the moving belt. They removed their jackets, and crouched to open their suitcases. When they stood up again, they held Czech-made VZT–58 automatic rifles. Calmly, they opened their brief, brutal attack. First they mowed down the passengers nearby, then they raised their sights to spray the farther reaches of the crowded hall with bullets.

As the cavernous building echoed with gunfire and screams, one gunman rushed toward the tarmac to fire at two parked planes; a wild burst of fire from one of his companions nearly decapitated him. A second guerrilla leaped onto the conveyor belt—now slick with blood—and, as he poised to hurl a grenade, he slipped and was himself killed by the grenade. The lone surviving killer—a 24-year-old college dropout named Kozo Okamoto—plunged across the hall, continuing his barrage of fire. As he stopped briefly to reload his weapon, an El Al traffic controller, Hanan Zaiton, hurled himself at Okamoto and clubbed him to the ground. While a raging crowd shouted "Kill the bastard, kill him!" the assassin was shoved into a nearby office. The slaughter was over.

RESPONSIBILITY

The massacre lasted only four minutes but its toll was enormous. The gunmen killed 26 person, including Dr. Aharon Katchalsky, one of Israel's leading scientists, and injured more than 75 others. And once again, the Arab-Israeli conflict engulfed the rest of the world in its indiscriminate terrorism. Among those who lost their lives in the carnage were fourteen Puerto Ricans on a pilgrimage to the Holy Land. "How does it happen," asked one dazed survivor, "that Japanese kill Puerto Ricans because Arabs hate Israelis?" While there was no rational answer to that question, there was also no doubt as to who was responsible for the murders. One hour after the slayings, the Popular Front for the Liberation of Palestine (PFLP) proudly announced that it had recruited the three Japanese fanatics—all members of a radical terrorist group called the United Red Army. "Our purpose," one PFLP spokesman declared, "was to kill as many people as possible."

As the news of the murders spread, Israel reacted with shock and fury. Surgeons worked through the night to save the lives of the wounded, and Prime Minister Golda Meir broke off a vacation to rush to Lydda Airport. The next day, after the Israeli Parliament stood in silent prayer for "the innocent dead," Mrs. Meir bitterly charged that because the Arabs themselves lacked "courage," they had to recruit foreigners. She also demanded an international air-travel boycott of Lebanon, where the PFLP is based. In a voice trembling with anger, she called Lebanon "a state which harbors and abets the plotting of such crimes, where the terrorists are free to plot, to hit and return . . . with impunity."

It was highly improbable that the international airlines would, in fact, boycott Lebanon. Indeed, the only international pressure applied on Lebanon last week came from the U.S., which urged the Beirut government to take all steps necessary to prevent future guerrilla attacks on airlines. Still, the tragedy at Tel Aviv did prompt eight international airlines to strengthen security measures on flights bound for Israel. While Air France was among those carriers, the airline steadfastly denied charges that it had been lax. But in a statement last week, the French Union of Airline Pilots in effect supported Ambassador Ben Nathan's charge that Air France had, in fact, failed to take adequate precautions. Said the pilots' union: "Since March 21, security measures have been softened and in certain cases canceled . . . on planes serving the Middle East."

But however stringent any new airline security measures may be, they will by no means erase Israel's anger at last week's senseless slayings—or its bitterness toward Lebanon. In the past, the Israelis have always struck back with a vengeance in the aftermath of terrorist attacks, and there was widespread speculation last week that another Israeli retaliatory strike against Lebanon was in the offing. Late in the week, three Israeli jets streaked across the Lebanese border in a show of strength. There was no attack, and Israeli leaders made no direct threats. But to many, there was an ominous quality to Golda Meir's steel-edged words the day after the killings: "I am confident that Israel will find a remedy and a way to make sure that this shall not recur."

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[From Newsweek Magazine, June 12, 1972]

JAPAN'S "UNITED RED ARMY"

A little more than two years ago, nine sword-wielding Japanese radicals hijacked an airliner to North Korea and, in the ensuing publicity, became overnight folk heroes to millions of their countrymen. In the months that followed, however, the romanticized "samurai" image of the group, the Rengo Sekigun (United Red Army), began to tarnish as its Japan-based members carried out a series of brutal fire-bombings and assassinations of police officials. That was bad enough. But what no one suspected was that the original band of hijackers had been plotting the United Red Army's biggest coup of all. In the North Korean capital of Pyongyang, the young terrorists made contact with fanatical members of the Popular Front for the Liberation of Palestine and began to plan last week's massacre at Lydda Airport.

Although details of the association between the Japanese and Arab terrorists are still fragmentary, police officials in Japan and the Middle East have pieced together an outline of their relationship. Shortly after the Japanese arrived in Pyongyang, they met George Habash, the peripatetic leader of the Popular Front. Several of the Japanese, including one young woman who uses the *nom de guerre* "Miss June," traveled to Jordan for guerrilla training. Meanwhile, Kozo Okamoto, a brother of one of the Pyongyang hijackers, volunteered as a Popular Front partisan and flew halfway around the world to link up with two of his colleagues who were training in Lebanon for their forthcoming suicidal attack—in which Okamoto was the only gunman who survived.

The obvious question was why should Japanese ultra-leftists throw in their lot with Arab terrorists? One answer seemed to be frustration at home. In the wake of the United Red Army's wave of terrorism, Japanese police emasculated the group by arresting hundreds of its members. Setback followed setback for the radicals. In February, five of the group's leaders were captured after a nine-day police siege of their mountain hide-out. Thereafter, with the disclosure that fourteen young people had been tortured to death for deviating from the Red Army's revolutionary line, virtually all support for the extremists vanished in Japan.

ALIENATED

Adding to the confidence that the United Red Army had been effectively stamped out was a feeling that most Japanese no longer had much sympathy for extremist movements. In contrast to the early 1960s when radical groups enjoyed considerable public backing, today's fringe groups in Japan are small and alienated. Their country's enveloping material prosperity has absorbed most Japanese in the pursuit of *mai ho-mu* and *mai ka-a* (my home and my car). Thus, shoved off center stage in Japan, the United Red Army turned to the Palestinian cause as a way of regaining the limelight. As a Japanese police office said: "Revolutionary romanticism prompted them to join the Arab guerrillas." But the slaughter at Lydda Airport lacked any redeeming quality of romance and served no revolutionary purpose. All it proved was that terrorism is exportable.

## REDUCTION IN U.S. CONTRIBUTION TO WORLD HEALTH ORGANIZATION

Mr. JAVITS. Mr. President, I would like to express my deep concern about some recent legislative developments affecting international health, to wit, the proposed cutback in the U.S. contribution to the World Health Organization. On May 18, the House of Representatives, during consideration of the State Department appropriations bill for fiscal year 1973, voted to reduce from 30.8 percent to 25 percent the U.S. contribution to the United Nations and the various U.N. agencies.

One of these affected agencies is the World Health Organization, whose contribution to the peace and well-being of the world is virtually unquestioned. The effect of the House action on WHO would be extremely serious. The U.S. assessment for calendar year 1972 is $26.3 million. The proposed cutback to 25 percent of the WHO regular budget would reduce the amount of money available to WHO by some $5.5 million. Moreover, under the House bill, the reduction would be effective immediately, since the U.S. funds for WHO's 1972 operations are paid out of the State Department's fiscal year 1973 budget. In short, the money is due now—$26.3 million—to help finance WHO's current operations. It is expected that such a step as proposed by the House would seriously impede many on-going, successful, and very valuable programs.

A related issue is the question of the legitimate treaty obligations of the United States. Every 3 years, the assessments for each member nation of the U.N. are negotiated during the U.N. General Assembly meetings. The assessment for 1972 has been determined by previous negotiations, and as a signatory to the U.N. Charter, the United States is obliged to pay its assessment. We have often pointed an accusing finger—and rightly so—at those nations who in the past have refused to pay their legitimate U.N. assessments. I submit that we cannot now afford, in good conscience to join those defaulting nations. This is exactly what would happen, however, if the language of the House-passed appropriations bill is allowed to stand.

I am in agreement that the U.S. share of the U.N. budget should be reduced. However, this should not be done unilaterally; because this very fall, during the U.N.'s General Assembly meetings, the national asessments are to be renegotiated. That is the proper, legal forum in which to reduce the U.S. contribution. Many leading members of the international community are equally convinced of the need to reduce the U.S. contribution, and the administration is on record as being strongly in favor of such a reduction and to negotiate the U.S. assessment down to 25 percent. Even the Director General of the World Health Organization is on record as being in favor of a reduced U.S. contribution as a means of more equitably distributing the influence of the various member nations. In light of this, I think we can feel assured that the negotiations this fall will solve the problem of the high U.S. assessment.

On May 31, the Senate Appropriations Committee approved, as part of its version of the fiscal year 1973 State Department appropriations bill, a reduction of the U.S. contribution to 25 percent, it provided that it would not be effective before January 1, 1973. This would solve the problem of the U.N.'s and the WHO's immediate fiscal crises; but I continue to favor allowing the negotiators to work out this problem in accordance with the existing U.N. charter provisions.

## TRANSACTION OF ROUTINE MORNING BUSINESS

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

## WASHINGTON ABM A WASTE OF MONEY

Mr. PROXMIRE. Mr. President, I urge that the ABM site planned for Washington, D.C., not be constructed. It is ridiculous for the country to put up a billion dollars to protect the politicians while the rest of the country is utterly destroyed.

It seems to me the height of selfishness for the bureaucrats and politicians in the Federal Government to be laying plans for an ABM to defend the city in which they reside at tremendous cost while the rest of the Nation foots the bill.

Certainly it is important that in the unthinkable event of a nuclear holocaust, that all that's left would be bureaucrats and politicians.

But arrangements for the survivability of national leadership can be made without going into the enormous expense of a billion-dollar ABM complex for Washington, D.C. There is already a Presidential hideaway to save the top leadership of the country.

A command post is supposed to be in the works. How many protections do we need for the President?

It might even encourage more sober, cautious, and responsible behavior on the part of our decisionmakers if they know that the places in which they reside and work are exposed to the same dangers of nuclear attack as the rest of the people. The assurance, even if it is based on an illusion, of safety from the dangers of nuclear contact could contribute to hasty and irresponsible decisions.

It would definitely be an illusion for anyone to think that an ABM system, as presently conceived, could make an urban center invulnerable to the dangers of nuclear war. Virtually all experts conclude that cities cannot now be defended from missile attacks.

Having an ABM around Washington, D.C., could actually prove to be a liability rather than an asset by attracting a heavier attack against the Capital in the event of a nuclear confrontation.

The ABM planned for Washington, D.C., has no military significance whatsoever.

The SALT agreement authorizes the United States and the Soviet Union to build up to two ABM sites each, one around an offensive missile complex, and one to defend a national capital.

But the agreement does not require either nation to build both sites.

The reason defense of a national capital was included in the agreement may be because the Soviet Union has already built an ABM around Moscow.

In my judgment, the Soviet Union made a colossal mistake by spending so much to attempt to defend the indefensible.

The Russians cannot defend Moscow from our missiles any more than we can defend Washington, D.C., from their missiles.

It would be senseless and grossly wasteful for us to repeat the Soviet Union's error in judgment.

An ABM system can easily be saturated and overwhelmed by offensive missiles. This is especially true when, as under the present plan, the ABM system is limited to 100 defensive missiles.

I am opposed to spending the approximately $1 billion that would be required for the Washington, D.C., ABM.

We ought to save these funds, or whatever can be salvaged from the misguided ABM program, for the overburdened American taxpayer.

## SALT AND U.S. STRATEGIC NUCLEAR WEAPONS

Mr. STENNIS. Mr. President, on the eve of the Senate's consideration of the historic agreements on arms limitation signed by President Nixon in Moscow, and the fiscal year 1973 defense authorization, I want to make a few preliminary remarks. I will have more to say about these matters later, of course, but I believe it is appropriate to give a background of facts before we begin these deliberations, to show our starting position.

First of all, I think we can all agree that we now have the awesome capability to destroy any nation that would attack the United States. It is our firmest and most important national policy to maintain this capability—the power to deter nuclear war. Our strength in this area is the very bedrock of our national

existence, for it is this strength that protects us every day here at home. I believe that I will be able to demonstrate that we now have this overwhelming capability without any doubt; and I believe it is absolutely important, under any strategic arms limitation agreement, that we should be certain that we are allowed to maintain this overwhelming capability. It is also vital that we have the strength of will necessary to pursue those programs which are needed to maintain such a capability.

How do we stand today? The United States has 1,054 intercontinental ballistic missiles, 656 nuclear missiles which can be launched from submarines, and 457 heavy strategic bombers. These forces carry 5,700 bombs and warheads, and I would point out that this does not include the many thousands of tactical nuclear weapons available to our military forces. It has been well known for some time, Mr. President, that a single one of our many strategic missiles can carry a destructive power of a million tons of TNT—more than 50 times more power than the 20-kiloton bomb that destroyed Hiroshima.

So we get a very exact, definite comparison there with one of our strategic missiles carrying 50 times more destructive power than the bomb dropped over Hiroshima.

Now, in plain and simple terms, what can these weapons do? The destructive power of even very small nuclear weapons is an awesome thing. Any potential enemy of the United States would have to ponder figures such as these if he planned any attack.

The missiles from one Poseidon submarine—this is from the whole submarine, now detonating on target, could destroy about one-quarter of the industry of the Soviet Union. The missiles from ten such submarines could destroy nearly three-quarters of the Soviet Union's industry.

These are not figures picked out of the thin air; this is not just a guess.

Ten B–52 bombers—about 2 percent of our bomber force—could destroy about 40 percent of Soviet industry.

Fifty Minuteman missiles could destroy nearly half of Soviet industry.

The loss of human life that would go with this is simply appalling. A numbers estimate of the human life loss is available. It is fairly accurate. But I will not go into that at this point.

I do not state these figures to frighten anyone or to rattle any sword. I only want to indicate the awesome destructive power of nuclear weapons. The ability of the Soviet Union to destroy the United States is no less awesome. Within the next few years other countries, including Communist China, will develop more effective intercontinental strategic nuclear weapons. Our own allies, England and France, already have smaller, but impressive, capabilities.

But megatonnage, destructive power, and numbers are not really the controlling questions. The real issue which we must all weigh is best summarized as follows: How can we best be assured that our overwhelming capability to defend ourselves and to prevent nuclear war will be preserved?

Whatever the specific number of missiles permitted under the agreement, we must maintain some perspective on the facts hereinabove stated. The Congress has approved all steps which have been requested by the President and which are necessary to maintain the quality, the reliability, and the accuracy of our nuclear weapons. The United States is capable of astounding technical feats in this area. Citizens who have watched our Apollo missions to the moon can have some appreciation for the quality and the reliability which can be developed in even these very complex weapons systems. In many ways the most important thing about strategic weapons is the absolute certainty that if they must be used they will be available to the President and would do the exact job for which they are designed. It is this absolute certainty in the mind of any potential enemy which is of crucial importance in preventing nuclear war.

Nothing in the arms limitation agreements announced by the President restrains our ability to maintain this quality, this reliability and this control in the hands of the President.

So there are three major points about the agreement.

The PRESIDING OFFICER (Mr. McINTYRE). The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 3 minutes to the Senator from Mississippi.

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

Mr. STENNIS. I thank the Senator.

It is also highly important that under any agreement we take the steps which are necessary in order for us to be absolutely certain that enough of our nuclear weapons would survive an attack for us to be able to retaliate successfully. This requirement of absolute certainty means that in many cases in this important field we will have to maintain weapons which some might call redundant.

For example, we now have the so-called triad of intercontinental missiles, submarine-launched missiles, and bombers. We take steps to insure that any conceivable move made by the enemy which could degrade the effectiveness or the reliability of our weapons will be countered. Under an arms control agreement we must continue to take many of these same steps. This means that the immediate savings from the arms control agreements, if they are approved by the Congress, will not be all that some might hope. It is simply too important for our national security for us to take any chances. It will be necessary, for example, to take steps to modernize our strategic forces, and it will be necessary, in any event, for us to continue to be ready to make further deployments if the Soviets should violate or renounce the agreements or if they should take any other steps which endanger our security.

Having said this, I want to assure the Senate that our Armed Services Committee will, in the near future, look very carefully at the implications of the arms limitation agreements for our military preparedness and our national security.

We will look at the programs which are needed in the strategic nuclear field.

We will look at the methods by which the agreements would be verified and how each side will be able to observe whether the agreements are being fulfilled.

We will consider what programs it will be necessary to maintain in research and development in order to make it possible for us to move ahead quickly if that should become necessary.

I believe the constitutional responsibility of the Senate and the Congress is very great in this field. Our committee, the Armed Services Committee, will begin this afternoon to hear testimony from Secretary Laird concerning the impact of the arms limitation agreements on the fiscal year 1973 Department of Defense budget. It is my hope that we can consider these implications prior to our completion of the markup of the fiscal year 1973 authorization bill. I would hope that we would then be able to proceed to completing markup on this bill in the very near future. As soon as the bill has been reported, I hope that the committee can move on to a thorough consideration of the full military implications of the strategic arms limitation agreements. On both of these matters I reserve judgment, particularly until we hear testimony from the most competent witnesses available in this field, including the Joint Chiefs of Staff. But I hope, and believe at this time, that the testimony will indicate that the arms limitation agreements are a step forward for us and that they are a step that can safely be taken now, if we have the will as a Nation to maintain those programs which are vital for our national defense.

I thank the Chair for his indulgence and the Senator from West Virginia for yielding his time to me.

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED TRANSFER OF SUBMARINE U.S.S. "RONCADOR"

A letter from the Assistant Secretary of the Navy notifying the Senate, pursuant to law, that the Department of the Navy proposes to transfer the submarine U.S.S. *Roncador* to the American Society of Military History, Canoga Park, California; to the Committee on Armed Services.

PROPOSED LEGISLATION INCREASING APPROPRIATIONS FOR SUPPORT OF SOUTH VIETNAMESE AND OTHER FREE WORLD FORCES

A letter from the General Counsel of the Department of Defense submitting proposed legislation to provide for an increase in the amounts authorized to be made available in fiscal year 1972 for support of South Vietnamese and other Free World Forces (with acompanying papers); to the Committee on Armed Services.

REPORT ON THE FEDERAL HOSPITAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

REPORT ON THE FEDERAL OLD-AGE, SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

REPORT ON THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

WELFARE PROGRAMS UNDER THE SOCIAL SECURITY ACT

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, a report relating to the welfare programs under the Social Security Act (with accompanying report); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Cost-Benefit Analysis Used in Support of the Space Shuttle Program" (with accompanying report); to the Committee on Government Operations.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Three letters from the Commissioner of Immigration and Naturalization submitting, pursuant to law, orders entered in the cases of certain aliens (with accompanying papers); to the Committee on the Judiciary.

EXTENSION OF TIME NECESSARY FOR REPORT ON NATIONAL HEALTH CARE PLANS

A letter from the Secretary of Health, Education, and Welfare notifying the Senate that the report of systems analysis of national health care plans required by Public Law 91-515 should be available by August 15, 1972; to the Committee on Labor and Public Welfare.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOWER, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 2987. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, New York, out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower (Rept. No. 92-837).

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 3215. A bill to expand the market for municipal securities and for other purposes (Rept. No. 92-836). Referred by unanimous consent to the Committee on Finance.

## TAXABLE MUNICIPAL BONDS APPROVED IN PRINCIPLE

Mr. PROXMIRE. Mr. President, I report from the Committee on Banking, Housing and Urban Affairs. the bill, S. 3215, to expand the market for municipal securities and other purposes, and ask unanimous consent that it be referred to the Committee on Finance.

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

Mr. PROXMIRE. Mr. President, in referring the legislation to the Committee on Finance, the Senate Banking Committee has given it a generally favorable recommendation, although we do not necessarily endorse all of the details of the bill or its specific language. Nonetheless, it appears to us that the bill has much promise and support. It provides a simple, effective and inexpensive way to aid State and local borrowing without increasing Federal control.

The bill would provide a 3-percent interest rate subsidy to State and local borrowers in return for issuing taxable bonds instead of tax-exempt bonds. The cost of the subsidy would be largely, if not more than offset by the increased tax revenues Treasury would get by replacing tax-exempt with taxable securities. At the same time, State and local governments would save money since a subsidized taxable bond will often result in lower net interest payments.

I want to stress that the issuance of taxable bonds would be strictly optional. There is nothing in the legislation or in the intent of its sponsors which would in any way infringe upon the right of State and local governments to continue issuing tax-exempt bonds. In fact, the legislation specifically acknowledges that right.

The approach taken by the bill is broadly supported by municipal groups and financial groups active in the municipal bond market. While the Treasury believes that further study is required, I believe that in time, Treasury will support the bill as well. Given this emerging consensus behind the idea of a taxable municipal bond alternative, I am hopeful that the Finance Committee can take some action on the bill this year.

The committee agreed to refer the legislation to the Committee on Finance following a letter from its chairman claiming jurisdiction because of the issue of tax-exemption. While the Committee on Finance undoubtedly has jurisdiction over the Internal Revenue Code, the Senate Committee on Banking, Housing and Urban Affairs has broad jurisdiction over the whole field of urban affairs including the problem of State and local finance. We are concerned that our hard pressed State and local governments will not be able to borrow the funds they need at reasonable rates of interest to satisfy the needs of the American people over the coming decade. Many of the problems of the municipal bond market stem from the tax-exempt nature of municipal bonds as indicated in the report of our committee. Because of its concern with the plight of municipalities, the Senate Committee on Banking, Housing and Urban Affairs believes the tax-writing committees of Congress should take a close look at the present tax-exempt system and whether an exclusive reliance upon that system is really in the best interest of State and local government.

This is a year when tax reform has become a major political issue. One of the biggest tax loopholes on the books is tax-exemption for municipal bonds. I say that it is a loophole because not all of the benefits of tax-exemption are passed on to municipalities in the form of lower interest rates. For example, an economist with the Urban Institute estimated that Treasury lost $3.3 billion in 1970 on tax-exempt municipal bonds but that only $2.5 billion, or 75 percent, was returned to State and local governments in the way of lower interest costs. The difference of $800 million represents a windfall profit to wealthy investors who are least in need of Government handouts.

Mr. President, the bill reported by the Senate Banking Committee would not close the tax-exempt loophole; but it would provide municipalities with a better alternative, one which would be far more efficient than the present tax-exempt system. While the evidence is not conclusive, I believe that the Treasury will end up with a net revenue increase under the legislation and that municipalities will experience significant reductions in borrowing costs. Of course, these gains would be at the expense of wealthy investors who have thus far been receiving a windfall at the expense of the American taxpayer.

If the Finance Committee wants to do something about the issue of tax reform, here is one place to begin. The bill enjoys broad support from municipal and financial groups. While the Treasury wants more study, I believe their doubts can be satisfied. Here is a bill we can enact this year which would save the hard-pressed American taxpayer millions of dollars a year. Here is a bill which would partially close the tax-exempt loophole and restore more equity to our tax system. I hope the Finance Committee will be able to act on the measure this year.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports on treaties were submitted:

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

Executive A, 92d Congress, second session, Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and signed on behalf of the United States of America at the Hague on July 27, 1970 (Exec. Rept. No. 92-25);

Executive F, 92d Congress, second session, Treaty on Extradition Between the United States of America and the Republic

of Argentina, signed at Washington on January 21, 1972 (Exec. Rept. No. 92–26); and

Executive E, 92d Congress, second session, A Partial Revision of the Radio Regulations (1959) Relating to Space Telecommunications, with a Final Protocol, dated at Geneva, July 17, 1971 (Exec. Rept. No. 92–27).

## BILL PLACED ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Alabama (Mr. SPARKMAN), I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged of any further responsibility for the consideration of S. 1015 to establish an Environmental Financing Authority, and that the bill be placed on the Senate calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. In addition, Mr. President, I ask unanimous consent, on behalf of Mr. SPARKMAN, that a copy of Mr. SPARKMAN's letter to the chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), concerning S. 1015 be printed at this point in the RECORD.

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

JUNE 6, 1972.

Hon. JENNINGS RANDOLPH,
*Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This has reference to Bill S. 1015, to establish an Environmental Financing Authority, which was ordered reported by your Committee on November 3, 1971, and referred to this Committee for consideration.

We are aware that the provisions of S. 1015 are contained in the House version of the proposed Water Quality Act Amendments which is now the subject of conference between your Committee and its House of Representatives counterpart.

After consideration of S. 1015 in hearings and in an executive session on June 1, this Committee found no objection to the bill as reported by your Committee, subject to the understanding noted herein.

The Committee carefully considered the provision of the bill relating to the credit qualification of a given waste-treatment works bond issue for assistance from EFA; namely, the qualification that the Environmental Protection Agency certify that "the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs." The Committee agreed that the key phrase "unable to obtain on reasonable terms" will satisfactorily define the limitations needed in this regard, if the intent of this provision is that the phrase should be narrowly interpreted. Our Committee feels that EFA assistance should be available only as a last resort for governmental borrowers, who have truly uneconomic access to the capital market. EFA should not become the primary source of financing for the local share of waste-treament projects, but should be used only to assure that true financial hardship does not deter construction of vital waste-treatment facilities. A market test or other similarly objective criterion should probably be utilized to assure that assistance from EFA is not directed to financially capable issuers. The Committee is concerned that the continued and unrestricted growth of Federal credit assistance programs may act to impair the strength of our private capital market mechanisms, upon which our economic growth has been and will continue to be so dependent. Hence the Committee believes that the scope of EFA's authority should be restrictively interpreted.

I have asked unanimous consent that the Banking, Housing and Urban Affairs Committee be discharged of any further responsibilities for the consideration of S. 1015 and that it be placed on the Senate Calendar.

With best wishes, I am

Sincerely,

JOHN SPARKMAN,
*Chairman.*

## 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. PERCY:

S. 3673. A bill relating to the parole of certain District of Columbia offenders. Referred to the Committee on the District of Columbia; and

S. 3674. A bill relating to the parole of certain Federal offenders. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3675. A bill for the relief of Style Leather Co., Inc. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S. 3676. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; and

S. 3677. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipment in the United States Navy, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MANSFIELD:

S.J. Res. 239. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 240. A joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 3673. A bill relating to the parole of certain District of Columbia offenders. Referred to the Committee on the District of Columbia; and

S. 3674. A bill relating to the parole of certain Federal offenders. Referred to the Committee on the Judiciary.

### CHANGES IN PAROLE LAW

Mr. PERCY. Mr. President, the problems of our correctional process are currently receiving a great deal of public and congressional attention. This is a very welcome development in a field that has had too little attention paid to it in the past. There is, however, a tendency to confine this attention only to the problems behind the walls of our prisons. Though that is a valid area of concern, we should also be cognizant of the problems that exist outside of the prisons, but are just as much a problem as our decaying prisons.

Parole is a method of rehabilitation that statistically produces better results than incarceration alone. Although an offender on parole is in the community, he is under limited supervision, and he is still serving his sentence. In effect, the walls of the prison have been extended for the parolee. The necessity of parole has long been recognized, and it has been a part of our laws for many years. Certainly, no informed and responsible citizen would argue that parole is not a necessary ingredient of any correctional process.

However, at present, both in the District of Columbia and in the Federal system generally, a situation exists which thwarts the basic purpose of parole. In these two jurisdictions, a parolee is sometimes given credit for the time he spends on parole toward the running of his sentence. For example, if a man were sentenced to 15 years in prison, he would be eligible for parole after 5 years. If paroled at that time, he would be under parole supervision for the remaining 10 years of his sentence. Once 15 years has passed from the time of the imposition of his sentence, he would be released from the jurisdiction of the court, and would be deemed to have served his sentence. In other words, though he was on parole for the final 10 years, the man would still be serving his sentence.

However, let us assume that after 9 years on parole, the man violated his parole. The violation could be either a minor technical violation, or it could be a violation resulting from the commission of a crime. In either case, at the present time in the District of Columbia and in the Federal system, not only would that man be sent back to prison for the 1 remaining year, but he would also have to serve the 9 years that he had been on parole as well as any sentence imposed for the new crime. As a result, he is given no credit for the time that he was on parole before his violation. In effect, he would be required to serve his sentence twice. Not only is this unfair and contrary to the philosophy behind corrections, but it is also illogical. If the man commits a new offense, he would be duly punished by the court for that new offense. If the violation were merely technical in nature, and no sentence is imposed, then does he deserve to be punished by years in jail for something that the law does not deem serious enough to punish? Clearly, the answer is "No."

Aware of this deficiency, the National Commission on Reform of Federal Laws—the so-called Brown Commission—established by Public Law 89–801, has recommended that the law be changed. In section 3403(3)(a) of the report, the Commission recommends that credit be given for the time spent on parole up to the date of the new violation. Illinois has followed this suggestion and has such a provision in the Illinois Unified Code of Corrections, section 315–9(3)(i).

This change was also suggested in 1956 by the American Law Institute in the Model Penal Code, section 305.17(1). As the drafters of that section indicated, the preponderant rule in the United States is to allow a parolee credit for the time he has served on parole without violations.

At the present time, only 13 States and the District of Columbia have statutes expressly prohibiting the crediting of such "clean time." They are Colorado, the District of Columbia, Florida, Idaho, Kenutcky, Louisiana, Maine, Nevada, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, and West Virginia.

The vast majority of States have taken the initiative and given credit for time served on parole. Responsible and respected organizations have worked for such laws. The Congress now has a chance to become a part of this movement and give such credit in the two jurisdictions for which it has responsibility.

Under the provisions of two bills I am introducing today, a parolee would be given credit toward the running of his sentence for the time he spends on parole up to the time of a new violation. If the violation is serious enough to warrant his return to prison, he will have to serve any new sentence as well as the remainder of his original sentence, but he will not be forced to serve again that part of his former sentence which he has already served on parole.

Mr. President, the logic which impels these two bills should be obvious. As we study the various problems which exist in the criminal justice system, we should be ready to correct existing discrepancies in order that a cohesive and comprehensive philosophy of corrections will emerge. By enacting these two bills that I am now introducing, we will have corrected a discrepancy in existing law and moved toward a more uniform correctional system in this country.

Mr. President, I ask unanimous consent that the full text of these two bills be printed in the RECORD at this point.

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

S. 3673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fourth sentence of section 6 of the Act of July 15, 1932 (D.C. Code, sec. 24–206), is amended by inserting immediately before the period at the end thereof, a comma and the following:

"and less any period of time during which he was on parole, commencing with his release by reason of his parole, and ending with the date of the commission of the violation for which parole was revoked."

Sec. 2. The sixth sentence of section 6 of the Act of July 15, 1932 (D.C. Code, sec. 24–206), is repealed.

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S. 3674

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the second sentence of section 4205 of title 18, United States Code, is amended to read as follows: "The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney General under such warrant, but the amount of time which such prisoner shall be required to serve as a result of his retaking shall be reduced by a period of time equal to that period commencing with his release by reason of his parole and ending with the date of the commission of the violation for which parole was revoked."

(b) The third paragraph of section 4207 of title 18, United States Code, is amended by inserting a comma immediately after "prisoner" and the following: "subject to the provisions of section 4205 of this title,".

Sec. 2. The provisions of this Act shall be applicable in the case of any person who, on or after the date of its enactment, is on parole or is paroled pursuant to the provisions of chapter 311 of title 18, United States Code.

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By Mr. BUCKLEY:

S. 3676. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; and

S. 3677. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

MARITIME ACADEMY CADETS

Mr. BUCKLEY. Mr. President, at a time in our Nation's history when both national security and the need for increased trade are paramount, the necessity for a strong, professional corps of merchant marine officers is undeniable. The need for such a corps is met, in part, by the maritime academies in various States of the Nation. These schools provide the kind of training necessary to meet the requirements of our maritime fleet for highly professional young officers.

It appears, however, that this valuable part of our overall maritime strength is in danger of being weakened by the refusal of the Selective Service System to grant draft exemptions to students of these maritime academies. This refusal is, in fact, an inequity since such deferments are granted to students in the U.S. Merchant Marine Academy, a Federal academy. Yet much more is at stake than an inequity in the draft laws, as important as that may be. What is primarily at stake is the careers of some of the best trained maritime academy students in the United States.

Assistant Secretary of the Navy James E. Johnson wrote Selective Service Director Curtis Tarr last November, saying that:

The cadets appear from the viewpoint of the Navy, to be entitled to deferments in much the same manner as midshipmen at the U.S. Merchant Marine Academy.

Likewise, Acting Assistant Secretary of Commerce Robert J. Blackwell wrote Mr. Tarr:

It is in the interest of the country that these young men be permitted to continue along the present path to Navy reserve commissioning.

It should be emphasized that these State maritime academy students are enrolled in a military training program, are instructed by active duty Navy personnel assigned to the school, and are commissioned in the Naval reserve with all its commitments upon graduation. In virtually every respect, these cadets are the same as midshipmen at the U.S. Merchant Marine Academy.

Drafting these cadets makes no sense either in terms of manpower needs or in terms of our long-range national defense needs. Therefore, I am introducing two bills to accomplish the objective of gaining equity for these cadets and of strengthening our national defense by assuring a professional, well-trained maritime officer corps.

The first bill would amend the Merchant Marine Act to give the State maritime cadets the same status as Kings Point cadets, that is, midshipmen, U.S. Naval Reserves, and thus entitle them to 1–D classification. The second, as an alternative would amend the Selective Service Act to provide for 1–D classification outright.

We cannot underestimate the importance of maintaining our maritime capability, and every action we take that will help to insure a qualified and highly motivated maritime officer corps should be vigorously supported. It is my belief that the bills I am introducing will go far to achieve this end.

Mr. President, I send the bills to the desk and ask that they be appropriately referred.

By Mr. MANSFIELD:

Senate Joint Resolution 239. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." Referred to the Committee on the Judiciary.

NATIONAL NEXT DOOR NEIGHBOR DAY

Mr. MANSFIELD. Mr. President, occasionally the constituent mail contains some rather interesting suggestions and recommendations. Just recently it was suggested to me by a constituent, Mrs. Becky Mattson of Lakeside, Mont., that the Congress take time to pay recognition to the person we all too often take for granted "our next door neighbor." I think this is an excellent suggestion, in view of the tremendous shift from rural areas of the Nation to our large urban communities. Mrs. Mattson has suggested that the fourth Sunday of each September be designated as "National Next Door Neighbor Day."

The original resolution suggested by Mrs. Mattson suggests that we and our neighbors participate in a spirit of cooperation and good will. Mr. President, I ask that Mrs. Mattson's suggested resolution be printed at the conclusion of my remarks, along with the brief text of the joint resolution I have introduced.

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

NATIONAL NEXT DOOR NEIGHBOR DAY

Whereas this nation is enduring a cultural revolution together with a steady exodus from the inner cities to the suburban rings and creating thereby, necessary needs for cooperation in the building of new communities and a happier quality of life for all;

Whereas in order to avoid a domestic con-

flict of cultures, the responsibility for the peaceful acceptance, appreciation and understanding of our many differences must be directed to the individual and his neighbor;

Whereas our dedicated young people have clearly challenged this nation to exercise brotherly love and to produce a lasting peace and a better world;

Whereas love transcends every religion, race, politic and creed;

Whereas to be forgotten is the deep sorrow of the aged, the scourge of the depressed and the fear of the sick, and

Whereas a day of love and appreciation may sustain the will to live, the courage to understand and the ability to forgive; Now, therefore, be it

Resolved, that the Senate designate the fourth Sunday of September of each year as "National Next Door Neighbor Day" and that it be added to the official calendar as an Eternal Reminder that we are indeed—One Nation—Under Love Indivisible—For God Is love.

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S.J. RES. 239

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue annually a proclamation designating the fourth Sunday of September of each year as "National Next Door Neighbor Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

By Mr. TOWER:

Senate Joint Resolution 240. A joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance." Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am pleased today to introduce a resolution requesting the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance."

I request the designation of this special week specifically to salute the International Student Congress on Evangelism during their Christian training conference, Explo '72, to be held that week in Dallas, Tex.

Honorary chairman of Explo '72, and principal speaker for the conference will be the great American evangelist, Billy Graham.

Each of us cherishes our fundamental liberties guaranteed by the Constitution of the United States. We enjoy an American heritage of religious freedom unknown in many parts of the world. I hope that my colleagues will join me in renewing our commitment to this most jealously guarded personal freedom by expressing their unanimous support for my resolution.

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

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

S.J. RES. 240

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the Christian training conference, known as Explo '72, being held in Dallas, Texas, during the week of June 12–17, 1972, the President is authorized and requested to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance", and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1507

At the request of Mr. PEARSON, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 1507, establishing a National Rural Development Center.

S. 2473

At the request of Mr. BURDICK, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2473, a bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

S. 3070

At the request of Mr. THURMOND, the Senator from Florida (Mr. CHILES) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 3070, a bill to amend chapter 15, of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 3629

At the request of Mr. MATHIAS, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 3629, to amend the Internal Revenue Code of 1954 to end the tax on marriage.

S. 3644

At the request of Mr. HUGHES, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and other related acts, to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

SENATE JOINT RESOLUTION 228

At his own request, Mr. TOWER was added as a cosponsor of Senate Joint Resolution 228 to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

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## SENATE RESOLUTION 314—SUBMISSION OF A RESOLUTION TO PRINT THE ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolutions:

S. RES. 314

*Resolved,* That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed with an illustration as a Senate document.

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## ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1212 AND 1213

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

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

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## NOTICE OF HEARING ON NOMINATION OF JOHN A. BUGGS TO BE STAFF DIRECTOR OF THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, as chairman of a special subcommittee of the Committee on the Judiciary, I wish to announce that a hearing will be held by the subcommittee on the nomination of John A. Buggs to be staff director of the U.S. Commission on Civil Rights.

The hearings are scheduled for June 15, 1972, at 10:30 a.m. in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this nomination should send the request or prepared statement to the subcommittee, room 102–B Old Senate Office Building, telephone 225–8191.

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## NOTICE OF HEARINGS ON BILLS EXTENDING THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary will hold hearings on two bills: S. 3121, to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and H.R. 12652, to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

The hearings will commence at the conclusion of the hearing on the nomination of John A. Buggs as staff director which begins at 10:30 on the morning of June 15, 1972. The hearings will be held in room 2228 of the New Senate Office Building.

Any person who wishes to testify or submit statements pertaining to these bills should send the request or prepared statement to the subcommittee, room 102–B Old Senate Office Building, telephone 225–8191.

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## NOTICE OF HEARINGS ON REHABILITATION PROGRAMS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce oversight hearings on

the subject of the nature and effectiveness of rehabilitation programs of the U.S. Bureau of Prisons beginning at 10 a.m. on June 13 and 14, 1972, in room 318 of the Old Senate Office Building. These hearings are being held at the request of the Senator from Kentucky (Mr. COOK).

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.

## NOTICE OF HEARINGS ON LOG EXPORTS

Mr. PACKWOOD. Mr. President, I wish to announce that the Subcommittee on International Finance of the Committee on Banking, Housing and Urban Affairs will hold hearings on the subject of log exports.

These hearings will be held on Monday, June 12, 1972. There will be a morning and afternoon session which will begin at 10 a.m. and 2:30 p.m. respectively in room 5302 New Senate Office Building.

## ADDITIONAL STATEMENTS

### FEDERAL SPOTLIGHT

Mr. MOSS. Mr. President, I congratulate Joseph Young and Philip Shandler of the Washington Star on winning this year's Washington-Baltimore Newspaper Guild Award for outstanding labor reporting in the field of Federal and postal employee news.

Their reporting is in the best tradition of objective and investigative journalism and is vitally needed in the field of Government activities.

It is important that the 3 million Federal and postal employees be fully informed at all times in an objective and fair way on the actions in Congress and the executive branch that affect their benefits and job rights. It is equally important to the cause of good government that actions to weaken the merit system through political patronage, coercion or discrimination be brought to public attention and thus have a chance of being corrected.

As a member of the Committee on Post Office and Civil Service who is vitally interested in the problems of our Federal and postal employees and in making sure that they are not treated like second-class citizens, and also as one who wants to improve the civil service system, I appreciate the contributions that Joe Young and Philip Shandler have made through the Federal Spotlight column in the Washington Star. Their award is richly deserved.

### SUPPORT THE NATIONAL ENVIRONMENTAL POLICY ACT

Mr. PROXMIRE. Mr. President, 2½ years ago, the National Environmental Policy Act was signed into law. That act established the Council on Environmental Quality within the Executive Office of the President.

The act's most important provision is section 102(C), which requires the filing of an environmental impact statement by Federal agencies for any action that may have an effect on the environment. The act requires agencies to consider alternatives to proposed action, and to guarantee that steps be taken to minimize environmental impact. The act also requires that other Federal agencies, and interested public groups, be given an opportunity to comment on the proposed Federal action.

An excellent article on the opinion page of the Milwaukee Journal for May 29, 1972, describes how valuable this act has been. As the author of the article, Douglas LaFollette, says: "NEPA has been living up to its promise." Mr. LaFollette points out that under the provisions of NEPA—which provides for citizen participation—environmental groups succeeded in halting the Cross-Florida Barge Canal. On a number of other occasions, the construction of canals, dams, and highways has been delayed pending satisfaction of environmental safeguards.

The act was an extremely valuable tool in connection with our fight to halt Federal funding of the SST project. The Department of Transportation was required to file a statement under section 102(C), listing the numerous environmental problems associated with the SST. It was this statement that indicated that a number of these concerns were legitimate, and needed further study before proceeding with the SST.

Mr. President, the National Environmental Policy Act represents a giant stride forward in safeguarding our environment. It should not be weakened or emasculated. Members of Congress who are concerned about the environment should do all we can to see that the act is enforced to the letter of the law.

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:

CITIZENS MUST ACT NOW TO HELP SAVE AN IMPORTANT ENVIRONMENTAL TOOL

(By Douglas La Follette)

On New Year's Day, 1970, President Nixon signed into law the National Environmental Policy Act (NEPA) and declared that the decade of the '70s "must be the years when America pays its debt to the past by reclaiming the purity of its air, its water and our living environment."

This Environmental Policy Act is a powerful tool for environmentalists. It requires all agencies of the federal government to fully consider all the environmental and social costs of their activities. It requires the agencies to explore all feasible alternatives to guarantee that they minimize their impact on the environment. And perhaps most importantly, it guarantees citizens the opportunity to actively participate in making the decisions that will profoundly affect their lives and the environment.

NEPA has been living up to its promise. In only two years it has had a major impact on federal agency decision making processes and on the quality of the environment. A citizen lawsuit under the provisions of NEPA stopped the ridiculous Cross Florida Barge Canal and another citizen legal acton has so far prevented the construction of the Trans-Alaska Pipeline.

In dozens of other cases all across the country the destruction of land and water by canals, dams, highways, pollution discharges and nuclear power plants has been stopped or delayed by citizens using NEPA.

CONGRESS SCENE OF QUIET ATTACK

The environmental movement stands at a crossroad. With the passage of the National Environmental Policy Act in 1970 the public won a real step forward, but this important law is under quiet attack in Congress. The act is responsible for most environmental victories in the courts and most of the reforms in federal agencies. Precisely because NEPA was working as intended, special interest groups have charged the public with interference and mounted a campaign to weaken and destroy NEPA in Congress. This attack takes the form of amendments and new legislation that will seriously undermine the law and its effectiveness.

There seems to be no legitimate reason for any amendment to NEPA. No federal agency or industry should have any legitimate objection to the National Environmental Policy Act which requires that federal agencies act only after considering the impact of their action on society and the environment, and insures citizen participation in the decision making process. The real motive for the attack on NEPA is that industry and certain government agencies resent citizen participation in the federal decision making process.

Aware that the public would not tolerate an open effort to kill NEPA outright, a team of vested interests, federal bureaucrats and congressmen devised a program to kill it, a little at a time, behind closed doors. Their first attack took the form of an amendment to the new water pollution bill that recently passed the House of Representatives.

STATE'S SHOWING WAS NOT SO GOOD

In this first battle to save NEPA from being badly weakened, Wisconsin congressmen made less than a great showing. The environment and the public lost on a vote of 125 to 267. Byrnes, Davis, Steiger, Thomson and Zablocki all voted in favor of weakening the public's rights in environmental cases. Only Aspin, Kastenmeier, Obey and Reuss stood up in favor of the National Environmental Policy Act.

There are a large number of other amendments and new bills all aimed at cutting down the power of NEPA.

They would allow the government to issue water pollution permits without fulfilling the requirements of the law. They would allow licensing of nuclear power plants without filing the environmental statement. And they would relieve the Department of Transportation of the responsibility for environmental impact from highway projects.

As always, only informed and vocal pressure from citizens can hope to save NEPA. If the young environmental movement does not show strength, if we lose on the issue of the National Environmental Policy Act, the credibility of the entire movement will be jeopardized.

### BILL BROWNRIGG

Mr. BROOKE. Mr. President, It was with surprise and regret that I learned of the retirement of Bill Brownrigg as assistant secretary to the Senate minority.

For as long as I have served in the Senate, Bill has been a good friend and a valuable and reliable assistant to us on this side of the aisle. Through the long hours and the complications which ac-

company Senate debate, Bill has always been courteous, helpful, and efficient in the performance of his duties. I was privileged to know Bill as a neighbor as well as a friend, and we shared many pleasant moments over the years.

After 25 years of service to the U.S. Senate, Bill Brownrigg has well earned the restful years of retirement which await him. I join with Senators and with his many other friends, in wishing him well.

## WHAT THE GENOCIDE TREATY MEANS BY GENOCIDE

Mr. PROXMIRE. Mr. President, some opponents of the International Convention and Punishment of the Crime of Genocide have suggested that the treaty's definition of genocide is too broad. They have charged that under the treaty an individual act of homicide could be considered genocide. Thus, they conclude, the crime of murder, traditionally under the jurisdiction of the States, would become internationally illegal, undermining and complicating our legal system. A careful reading of the treaty, as well as its history and the understanding the Senate committee proposed to append to the treaty, show clearly that such fears are unfounded.

The convention defines genocide to be one of several specifically enumerated acts which are "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such."

The phrase "in whole or in part" has led some to think that the treaty definition of genocide would include any action included to destroy a single member of any of the groups mentioned. To avoid this interpretation and retain the true meaning of the word "genocide," the Senate Foreign Relations Committee proposed that an understanding be added which specifies that—

> The U.S. Government understands and and construes the words "intent to destroy in whole or in part, a national, ethnical, racial, or religious group, as such" appearing in article II to mean the intent to destroy a national, ethnical, racial, or religious group . . . in such a manner as to affect a substantial part of the group concerned.

In hearings on the convention in 1950, Deputy Under Secretary of State Rusk testified that this was indeed the interpretation of the negotiators of the treaty, who did not intend to include homicide in the definition of genocide; rather—in Mr. Rusk's words—they "felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide, but rather that genocide meant the partial destruction of such a group with the intent to destroy the entire group concerned."

The clarification offered in the Foreign Relations Committee's proposed understanding, and the legislative history of the treaty, should clear up doubts about its meaning. But the matter is placed beyond doubt by the wording of the treaty itself. The convention speaks of the destruction, in whole or in part, of a group "as such." The words "as such" are defined in the dictionary to mean—"as being the—thing—previously mentioned."

There is only one thing previously mentioned in the sentence in question, and that thing is the "group." Thus the intention must be to destroy the group as a group. Clearly, the group is destroyed as a group if every member of the group is destroyed. Equally clearly, the group is destroyed as a group if a substantial number of its members is destroyed. A group is not destroyed as a group by the isolated destruction of one of its members. The treaty does not, therefore, make criminal matters which are traditionally and properly the province of the States, into issues of international law. The treaty does not cover a great number of crimes which, while of great concern, are still of essentially domestic concern. The Genocide Convention only covers what is really genocide—intentional and systematic extermination on such a scale that it surely is as a matter of right, and should be as a matter of law, a crime of international concern.

I urge the Senate to take up the question of the Genocide Convention and ratify the treaty without further delay.

## ADDRESS BY SENATOR ROTH BEFORE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

Mr. BOGGS. Mr. President, my distinguished colleague from Delaware (Mr. ROTH) recently delivered a most scholarly address before the American Society for Public Administration.

His subject was one in which he has more expertise than most people in Government—"Federal Domestic Assistance: A Test of Intergovernmental Administrative Cooperation."

I feel certain that Senators will recall that Senator ROTH, while still a Member of the other body, began an extensive study of our grant-in-aid system. His study resulted in the compilation of the Catalog of Federal Domestic Assistance programs, easily the most comprehensive such catalog available today.

Mr. President, my colleague is expert in this field, and I thought Senators might enjoy reading his remarks. I ask unanimous consent that they be printed in the RECORD.

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

FEDERAL DOMESTIC ASSISTANCE: A TEST OF INTERGOVERNMENTAL ADMINISTRATIVE COOPERATION

Ever since the early days of our nation, the central government has financed public services administered by the state and local governments. Included among these early forms of Federal grants-in-aid were land grants for the support of education and the distribution to the states of the profits resulting from the sale of Federal lands. This system of aid continued to grow slowly until the Great Depression of the 1930's when the Federal contribution to state and local activities increased more than six times.[1]

By 1959 the central government was providing domestic assistance to non-Federal bodies to the tune of about $6.6 billion, which amounted to 7.2% of Federal outlays and about 12.3% of combined state and local revenues.[2] The decade of the 1960's saw these figures rise to $29.8 billion, 14.1% and 17.9% respectively in 1971. Much of the expansion took place in education, manpower, health, and income security programs, while aid to commerce and transportation declined.[3] It was these years of the Great Society which made clear to us the disadvantages of attempting to maintain state and local vitality through large numbers of functional aids with strings attached.

Despite these disadvantages, which I will expand upon shortly, the domestic grant system has been an attempt to continue to administer certain public functions at the state and local level, even when it is judged that Federal funds must be used to pay for them. Almost all domestic aids have conditions attached to them which must be met by recipients. In 1970 approximately half of the grants were in the form of project grants—given to applicants at the discretion of the granting agency for specific program needs.[4] Assistance distributed automatically by formula to categories of recipients accounts for most of the remaining grants. Differing degrees of state matching are required by the various project and formula programs.

If one knows anything about American Congressional politics, it is easy to understand how by 1972 we have a grant system consisting of over 1000 somewhat narrowly defined categorical grants-in-aid. Equity, the provision of national standards of service, and adjustment of benefit or cost spillouts or spillins among jurisdictions, have all been arguments used to justify the erection of new grant programs. Every constituency has sought to guarantee that money will be available for its very specific purposes. Further, national legislators have sought to provide protection against misuse of Federal funds through extensive regulation. It has also been the opinion of many that narrow functional grants are the best device for zeroing national resources in on problems of national concern.

While a member of the House of Representatives, I conducted a study of the grants system, which culminated in the printing of the first comprehensive catalog of Federal domestic assistance programs. As a result of this study and experience since, I have concluded that our Federal grant system suffers from the following weaknesses:

1. It presents a maze of programs administered by so many agencies as to pose a major informational problem to grant applicants. A realistic picture of the true dimensions of the difficulties faced by applicants for Federal grants arises from a realization of the number of programs operating in any functional area. This picture is further complicated when the multiple uses to which programs can be put are taken into account. For example, there are housing, research, and manpower training programs which can be of benefit to educators and educational institutions. Sorting out the multiple uses of programs is an activity requiring the most sophisticated grantsmanship. When multiple uses are accounted for, a study conducted by my staff found that there are something like 172 grants in the housing area, handled by 16 agencies and 32 subagencies, bureaus or offices within larger units. In the education area there are approximately 440 programs under the direction of 31 major agencies and 53 bureaus.

[1] Inderjit Badhwar, *Federal Times*, March 15, 1972, p. 4.

[2] U.S. Budget, *Special Analyses*, 1973, p. 245.

[3] *Ibid.*, p. 240.

[4] *Ibid.*, p. 249.

2. Application procedures are complicated and lengthy, which is wasteful of Federal, state and local funds and manpower.

3. There are too many narrowly-defined programs which duplicate and overlap each other, leading to poor coordination.

4. Wealthy states, communities, or colleges can more easily afford the professional staffs needed to search out programs than can smaller, poorer grant applicants.

5. There is limited coordination, oversight, and evaluation of a grant system administered by many agencies. We need to pay more attention to whether our programs are reaching their intended goals.

6. Federal aid may have an excessive impact on the state-local allocation of financial resources.

7. Administration of grants can become so inflexible and complicated that programs become more of a hindrance than a help to recipients.

8. Political influence, unequal access to program information, and the first-come-first-served allocation of project grants leads to overall distributions of domestic aid which may not best meet our program goals.

I am happy to say that President Nixon and his administration have sought to deal with the deficiencies of our system of domestic categorical grants-in-aid. I support the broad intentions of the administration's four executive reorganization bills, its special revenue sharing proposals, and the efforts of the OMB's Federal Assistance Review and those of agency task forces. Constructive directions in which the OMB has been moving include: the decentralization of grant administration; the establishment of common regional boundaries for agencies offering grants; the development of Regional Councils for the coordination of application procedures; improvement of program information; pilot projects in joint funding; and the pending Integrated Grant Administration Program.

While I heartily approve of the reforms noted above as steps in the right direction, I do not believe they will treat all the ills of the domestic assistance system. Even if successfully carried out, state and local officials and Federal administrators would still face a most complex array of categorical grants. I have personally introduced legislation which would require the Office of Management and Budget to provide a regularly updated catalog of program information for grant users. I have further thought it worthwhile to co-sponsor bills which would give the Executive more authority to consolidate or jointly fund narrow grants-in-aid or to make use of the broad block grant procedures implied by special revenue sharing.

My honest feeling is that we are really never going to eliminate much red tape and bureaucracy until the state and local governments regain the capacity to finance their own responsibilities. As long as Federal money is being spent by non-Federal bodies, we in Congress will seek to place conditions on its use. Revenue-sharing may be a temporary answer to fiscal crisis in the states, counties, and cities, but it will not return fiscal balance to our intergovernmental system. Further, when abuses in the expenditure of revenue-sharing funds are discovered, Congress will begin to encumber this assistance also.

Federal tax credits for state and local income taxes, improved intergovernmental coordination of revenue gathering, a more rational structure of Federal planning requirements and grants, and improved self-evaluation of program effectiveness are ways in which state and local governments can achieve the sort of financial and management capability to allow the elimination of a significant number of grants-in-aid.

I would like to spend the remainder of my talk describing a project which my staff and I have been engaged in during the past year. Our interest in the program evaluation practices of the Federal agencies grew out of my desire to make the system of domestic assistance a more positive contributor to our Federal system. I am currently making available a report which seeks to present at least a sketchy picture of program evaluation and analysis in 39 Federal agencies. This report presents summaries of response to a questionnaire which we directed to 41 Executive agencies.

My entire approach to program evaluation and analysis is a common sense one. I intend the term "evaluation" to refer primarily to a process which measures the success of ongoing activities. Obviously there is an analytical aspect to this. The expression "analysis" has a broader meaning to me—including the consideration of hypothetical situations in planning for the future. Decision-making based on analyses is what I am really advocating—be it in Congress or the Executive Branch. To my common sense way of looking at it, this would be decision-making following upon a breakdown of problems into their constituent parts; an assembling of all pertinent, available facts; and the tying together of causes and effects.

My interest in making sure that the Executive Branch and the Congress have adequate evaluation and analysis to back up their decision-making is derived from a desire to find a practical path to true fiscal responsibility. Evaluation and analysis contribute to this end by allowing us to better determine whether programs are accomplishing their intended goals; how these programs could be improved; and what new programs should be undertaken in the future.

Adequate analysis and evaluation would also permit us to compare the relative costs and achievements of various programs managed by one or a number of agencies. Any rational allocation of scarce public resources requires that some sort of cost-effectiveness or cost-benefit analysis be performed.

The use of analytical techniques is subject to a number of dangerous distortions. These include over-objectification, over-systematization, and use for advocacy by program managers and political executives. We must keep in mind that it is especially difficult to guage whether social programs are successful. These programs necessarily have multiple goals which in their ultimate form are very hard to measure. Further, I think we need to guard against the erection of complicated formal structures of analysis which have no impact on decision-makers.

I would now like to summarize the findings of our survey. We have, of course, been limited by the accuracy and completeness of the agency responses. To as great a degree as possible we have simply summarized what the agencies have told us.

It seems to me most essential that agencies make serious efforts to define the short- and long-term goals of their programs. It is obvious that this is difficult given the vagueness of legislative authorizations and the multiple, imprecise, and illusive ultimate goals set for social programs. According to our survey, the definition of objectiveness and goals is not a highly developed art among the executive departments and independent agencies. Immediate outputs seem to be more frequently defined, and the large executive departments have gone somewhat further in this direction than the usually smaller independent agencies.

Once goals and objectives are outlined, techniques must be selected to determine whether agency efforts are meeting these standards.

Again the major executive departments measured program outputs more extensively than the independent agencies. In either case, ultimate program goals were less frequently assessed than immediate measures of activity.

Program outputs must be related to program costs to effectively use program evaluation and analysis to determine priorities and allocate scarce resources. The replies to our questionnaire indicated that cost effectiveness or benefit study was not applied to many agency activities. As regards the use of some sort of formal Program-Planning-Budgeting System by agencies, such use was almost nonexistent among independent agencies, while four executive departments claimed to do so.

In constructing our questionnaire to the agencies, we sought to obtain an impression of the distribution of evaluative resources between program operators and agency-wide management. This distribution should make use of their superior knowledge of program operations possessed by program people, while making it possible for top decisionmakers to reflect independently on issues.

Sheer numbers of analysts at the disposal of a central evaluation unit do not necessarily make for this sort of balanced evaluation. Yet it is interesting to note that few executive departments or independent agencies, in response to our letter, described their evaluation apparatus as centralized. Decentralization seems to be the order of the day. Most departments and almost half the agencies do note the existence of a central unit with major evaluatory-analytical responsibilities.

Each agency, with the guidance of the Executive Office of the President, must determine the sort of formal structure of evaluation and analysis it needs. HEW told us that its central evaluation unit disposed of the services of six persons compared to 116 at the agency level; Agriculture's Office of Planning and Evaluation was reported to employ fifteen professionals while the ten larger agencies within the department employed a total of 28; and Commerce's Office of Budget and Program Analysis was described as containing 20 out of a total of 147 evaluation personnel.

As I mentioned earlier, I am hopeful that the Federal Government will in the future take more interest in encouraging state and local governments' capacity to manage intergovernmental aid minus extensive Federal requirements. Both executive departments and independent agencies made it clear that almost no programs to support improvements in state-local evaluation and analysis exist. Similarly, almost no functional programs permit the use of money for such purposes.

It has always seemed to me that the improvement of evaluative and analytical practices could best be achieved through the budget process. If the Office of Management and Budget, and for that matter the Congress, were to demand more analytical support for agency budgetary requests, I think we would see at least an increase in the amount of analysis and evaluation in the agencies.

Our questionnaire sought to gauge the amount of guidance in developing adequate program evaluation which agencies were receiving from OMB and Congress' arm, the General Accounting Office. It must be realized that both of these agencies are assigned numerous other responsibilities, which are generally performed adequately. Also, it is significant that GAO has considerably expanded its involvement in the evaluation of program accomplishments in recent years. However, the responses to my survey lead me to hope that the Comptroller General, and the Office of Management and Budget, will take even more interest in the practices used by agencies to assess the impacts of their programs.

The responses to our questionnaire indicated that a majority of Federal agencies throughout the Federal establishment depended primarily on in-house evaluation and analysis, rather than outside contracts. To my mind, this is as it should be. The agencies also made it clear that there are few instances, such as HUD's Model Cities supplemental grants, where program money is available for evaluation.

Equally uncommon is the situation where Congress or the Executive has earmarked funds for this function, set explicit legislative requirements for evaluation, or specifically instructed the Comptroller General to assess the accomplishments of particular programs.

In summary, our system of Federal domestic assistance offers a formidable challenge to creative public administration. Its more effective use as a part of our decentralized Federal system of government will depend upon innovations in intergovernmental relations, as well as in management practices within the Federal agencies. Better use of cost and effectiveness data by these agencies, as well as by grant recipients themselves, would be an important step in this direction.

## NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Mr. TOWER. Mr. President, I applaud the recent action by Congress which resulted in the passage of H.R. 13591, designating a National Institute of Arthritis, Metabolism, and Digestive Diseases. Prior to this legislation, the Federal Government had not focused upon research of the digestive diseases, which are a very serious health problem in the United States.

While we frequently seem to be most concerned about the diseases which come to our attention, because of their high fatality rates, such as cancer and stroke, we should nevertheless be aware of the enormous toll taken by the diseases of the digestive tract.

First, digestive disease is highly prevalent in our population, accounting for about one out of every six illnesses. In a sample of 1 million Americans, a health survey revealed that 44 percent of the men and 55 percent of the women had complaints referable to the digestive tract. In the same study, 22 percent of the men and 17 percent of the women had incurred specific digestive diseases, such as peptic ulcer, colitis, or gall stones. From a careful study of a cross section of the U.S. population, the National Center for Health Statistics estimates that chronic digestive disease affects 12.8 million Americans. It is a major cause or contributing cause of hospitalization in 5.1 million persons each year—more than are affected by any other disease category.

Second, digestive disease is an important cause of disability due to illness, ranking second among all disease categories, in the U.S. population. According to the National Center for Health Studies, over 2 million persons in the United States are wholly or partially disabled by digestive diseases. Each year, Americans spend nearly 300 million man days away from work—and 116 million in bed—because of acute and chronic digestive disease.

Third, digestive disease, including gastrointestinal cancer, is the third most important cause of death from cancer in the United States, and quite possibly these mortality rates are underestimated According to the National Center for Health Statistics, 163,000 deaths in the United States each year are attributable to digestive disease as the primary cause of death, and an additional 98,000 as a contributing cause. Such estimates, however, fail to indicate the full significance because of the greater stress placed—during the conclusion of a terminal illness—on the circulatory and other systems.

Fourth, the economic and social cost of digestive disease is significant: The loss due to disability, and the income loss due to premature death, is calculated at $8.1 billion annually. Of all disease categories, digestive diseases ranks third in causing economic loss, exceeded only by cardiovascular disease and accidents. The economic loss to the United States due to peptic ulcer alone is calculated at just under $1 billion a year.

Fifth, the greatest impact of digestive diseases is on the health of men in the middle years of life. This means illness of the head of the family, the breadwinner, the taxpayer, on whose shoulders the increasing burdens of the needs of children and the aged are being placed. Such illness has wider implications for the well-being of the family and of the community than can be measured by the indices used above.

These are but some of the reasons that Congress has acted to focus the attention and the resources of our Nation on digestive diseases. I am pleased that the National Institute of Arthritis, Metabolism, and Digestive Diseases became a reality when President Nixon signed it into law on May 19, 1972.

## CORPORATE SOCIAL RESPONSIBILITY

Mr. PERCY. Mr. President, Blaine Yarrington, president of American Oil Co., recently made a speech in Chicago on corporate social responsibility.

Mr. Yarrington makes the point that corporate social responsibility is not only necessary in and of itself, but that it is not even incompatible with profitability.

One of the more interesting points he raises is the need to accord social goals status along with traditional goals in a company's statistical reports. If top management is serious about its social objectives, it must accord them the same status as other corporate objectives.

Mr. President, I ask unanimous consent that Mr. Yarrington's most interesting speech on corporate social responsibility be printed in the RECORD.

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

CORPORATE SOCIAL RESPONSIBILITY: RITUAL OR REALITY?

(By B. J. Yarrington) *

I appreciate the opportunity to meet with you during your annual assembly. In my business career I have had many opportunities to observe Better Business Bureaus in action—not, thank Heaven, as a target, but because of your efforts to curb unscrupulous competitors whose actions threatened to tarnish the reputation of an entire industry. Many of us have often been pleased with your effective work.

Despite increasing federal surveillance of business practices, your role may be more important today than ever before. The very fact that some of our fundamental business concepts are being challenged may act as a protective smokescreen for firms that are deliberately dishonest or deceptive. I hope that while these questions of traditional business practices are being resolved, you will continue to penetrate that smokescreen to ferret out the genuine malefactors.

But I was asked today to respond to a somewhat broader question: What can be done to make the American corporation more socially responsive? It is a subject on which there has already been such a flood of executive rhetoric that it seems possible somewhere, someday, an audience will finally drown in the torrent of words. Let's hope that this is not the day when I become Noah and you the victims of the deluge!

In an effort to keep us on dry land, I plan to waste no time in a long justification of the *need* for business to assume a social role. Instead, I want to concentrate on proposing some ways in which business can perform that role more effectively.

It seems strange to me that with all that has been said by senior corporate management about social responsibility, so little attention has been given to strategies for getting the corporate organization to practice what management preaches.

There are, of course, external constraints on corporate social action. Witness the dilemma of the automobile industry: Under tremendous pressure by federal law to meet stringent exhaust emission standards, yet prevented—also by federal law—from engaging in any effective intra-industry research on the problem.

Competition itself can also be a restricting force, as was pointed out recently by R. D. Watts, counsel to the U.S. Senate Select Committee on Small Business. He said: "I think it is unrealistic and unfair to expect one manufacturer to install . . . equipment in his factory or . . . improvements in his product, when they will add nothing to the market price his product will fetch, unless all of his competitors do the same thing at about the same time."

Yet, although government regulation and competitive pressures are valid constraints, corporate hand-wringing over them becomes increasingly irrelevant. In fact, it tends to obscure the internal corporate hangups that interfere more significantly with social action.

Let me enumerate what I believe these internal hangups are; what, in fact, my own experience has shown them to be.

First, most executives have regarded their social objectives as philanthropic rather than economic—moral rather than practical—and peripheral rather than integral to the operations of the company.

Second, most executives have regarded social actions as optional, rather than as essen-

*President, American Oil Company. Remarks to International Assembly of Better Business Bureaus; Chicago, Illinois; May 23, 1972.

tial to the future of their companies and our economic system as a whole.

Third, most executives have thought in terms of how they might intelligently spend their shareholders' money on social action, rather than how they might make money for their shareholders through profitably responsible social behavior.

Finally, and perhaps most important, most executives—when dealing with social action—appear to forget all they have ever learned about how to convert policy into practice.

There is one fatal difficulty with a corporate approach that perceives social action as peripheral, philanthropic, and optional: It leads to the conclusion that social responsibility and profit are inevitably incompatible.

Viewed in the short term, this may indeed be the case—but no chief executive can afford to be that short-sighted. If he is—if he fails to perceive the need to respond to the changing demands of society—he ignores one of his basic obligations to his shareholders, which is to insure the continuity of the corporation.

More to the point is the fact that if management views social needs as opportunities, rather than problems, and applies the same creativity to determining how it might profitably satisfy those needs, it will find an eager, unsatisfied, and profitable market for social responsibility.

General Electric, Xerox, and others have proved this by making a profit from the improvement of public-school education—Rohr Corporation from providing modern mass transit—and American Oil from producing lead-free fuels to help curb auto emissions.

Safeway Stores yielded—somewhat reluctantly at first—to consumer demand for unit pricing, only to discover that their computer-printed price tags actually contribute to corporate profit. These corporations are converts to the philosophy that social needs are business opportunities, not unwelcome chores.

But the main point I would like to leave with you today relates to the internal structure of the company itself. Why have chief executives—however sincerely concerned—failed to enlist the support of their organizations to achieve social goals?

Five years ago this summer, my predecessor as president of American Oil—Bill Moore—identified the bottleneck that has long inhibited the translation of good intentions into action by a business organization. He said:

"Those levels of company management that hold the responsibility for actually managing the work have not really become involved in the search for solutions to social ills. What we need is a climate in which more people in middle management consider it a part of their normal responsibilities to study the ways in which their particular skills and talents can be used to attack the many elements of the problem. . . ."

Bill Moore had his finger on the need—but we had to apply social band-aids for a few years while we developed a more realistic perception of our proper social role, and an understanding of what must be done to carry it out.

We are pragmatic—even hard-nose—about our objectives and about the methods of achieving them. I do not think any company's proper social role is to try to become a sort of corporate HUD or HEW, any more than Ford Motor Company should try to become a second Ford Foundation. I don't think we should undertake a unilateral exercise to try to rejuvenate an urban ghetto; municipal administration just isn't our bag. I don't even think we should try to determine what standards of air and water quality should be established in this country; this is a matter of social policy in which the cost-benefit ratio should be established by government—representing the people at large—and not by us.

I *do* see our social role as including these things:

Hiring minorities on equal terms with whites and building them into the organization at all levels.

Purchasing from all types of suppliers, including minorities, and assisting in the development of new minority suppliers to enhance the economic stability of minority communities.

Designing and building facilities and products that contribute to the environment, rather than detract from it.

Advertising our products honestly, in ways that are calculated to enlighten rather than mislead.

Providing the services we promise the customer, even if it means temporarily reducing our margins in order to back up our claims.

Expanding the data base for the corporate decision-making process to include measurement of the impact of those decisions on the physical and sociological environment.

And accepting our responsibility as individual corporate executives to exercise leadership to stimulate needed changes in public policy—not, mind you, to *determine* public policy, but to insist that those responsible for forming public policy do their jobs.

This, to my mind is a realistic view of corporate social action. To make it effective, we must have an equally realistic approach to the process of carrying it out—based on three fundamental assumptions:

First is recognition that management communicates more by deeds than words. Many policies are stated, but they achieve credibility in the organization only when they are enforced. Thus, if social policy is to be believed and implemented, it must be enforced—as are traditional objectives—with specific goals, timetables, accountability, performance measurement, penalties, or rewards.

Second, social goals must be accorded status along with traditional goals in the statistical reports that are the bible of every corporation—the periodic reports that tell managers how well the company is doing and how they are doing vis-a-vis each other. Social goals, therefore, must be quantified to the maximum extent possible, because, as someone has said, corporate people don't speak English—they speak arithmetic—and that is the language of most significant corporate reports.

Third, ways must be found to bridge the gap between the long-term profit perspective of senior management and the short-range view of those in the line organization. Let me clarify that.

The senior executive justifies social policies on the basis of the need to preserve an environment in which profit continues to be possible. Prudent management demands that he be willing to sacrifice some short-term earnings in order to strengthen the profit position of his company a few years down the road.

Meanwhile, however, the middle manager is geared to short-term objectives. By tradition and practice he is oriented to annual budgets and goals of sales volume and profit.

To put it another way the president of the company may live by the 10-year plan, but the district manager lives by sales quotas and his annual budget. If he fails to meet the quotas, or exceeds the budget, he is in trouble—and he knows it.

This difference in perspective creates a crucial conflict where the implementation of social policies is concerned. These policies are rarely reflected in the sales and production goals or the budget limits assigned to the line organization. Instead, they are encapsulated in formal written documents—devoid of reassuring arithmetic—that make the rounds of in-and-out baskets and are finally buried in a musty file drawer.

Any reasonably astute observer of the corporate scene can watch this process in action: Management says it will train the hard-core unemployed, for instance, or buy more goods from minority suppliers. It may even express a willingness to accept some reasonable cost penalties in order to do so.

But what happens if a middle manager takes the chief at his word, implements the policy, and then misses his production quota or exceeds his budget? Is he commended for implementing the social policy? Not likely. He is more apt to be chewed out for missing the quota.

It doesn't take two rides on that merry-go-round for most men to get the message.

Clearly, if top management is serious about its social objectives, and not merely giving them lip-service, it must accord them the same status as other corporate objectives. This can only be done by the process of setting firm goals and timetables against which performance can be measured, budgeting the attendant costs if any are anticipated, and then demanding accountability for meeting the objectives, measuring performance, and delivering appropriate penalties and rewards.

To sum up in a few words: The business organization—the system itself—need not be an obstacle to attaining socially-oriented goals. It can be the means by which they are accomplished.

One final observation on the costs of social action. Earlier I suggested that senior management's inclination has been to treat such costs as philanthropic expense. I submit now that we should begin to regard them as social investments.

I believe a strong case can be made that a prudent management, in this post-industrial age, must be as willing to make social investments in behalf of our shareholders as we are to make capital investments—in both cases with the objective of insuring future growth, profit, and perhaps even the potential for survival.

To cite an example, paper manufacturers routinely invest current earnings in reforestation projects—a socially responsible act. As a consequence, the earnings distributed to shareholders are reduced. But the action is an economic necessity as well as a social responsibility, because it guarantees that a supply of raw materials will be available to the company so that it can continue to operate many years down the road.

It need be no different with other kinds of social investments.

Our company, as another example, derives much of its profit from the sale of gasoline to customers who live in declining central cities all across America. Just as the paper industry stood idly by for many years while the nation's forest resources were depleted, other industries—including my own—have stood by and watched the depletion of human resources in these central cities.

Prudent management demands that we help restore these human resources, for we need solvent customers in the inner city as desperately as a paper mill needs trees.

I think I can almost hear some under-the-breath muttering out there: "All this talk of social investment is fine. But I'll bet he's not going back to American Oil and depress his short-term earnings by one dime for any such ethereal, long-term goals."

You're absolutely right.

But I am going back to invest that dime—and a lot of other dimes—in a way that carries out my social responsibility to the company's shareholders.

Furthermore, I'm going to get that dime back. An innovative management, under

pressure to achieve, will see to that—and the result will be a combination of greater social action and greater productivity. With that will come profit—more profit than I would have had if I abdicated all responsibility to society and hid my head in the sand.

Somewhere down the road, corporations that ignore this need for the parallel development of social and traditional investments will feel the wrath of society—expressed, I'm sure, through the agencies of government.

I don't want to be among them, hat-in-hand in Washington, pleading "You can't do this to me."

And I know I need not be. American Oil—and American business as a whole—can respond to legitimate public expectations if we take a pragmatic approach to getting it done. The task isn't nearly as awesome as some would make it appear to be.

I am reminded of the old story about the traveling salesman who was solicited to buy a correspondence course on the art of selling.

"No, thanks," he replied. "I don't need it. I ain't even doing all the things I know how to do *now!*"

That's where business is today, in terms of social responsibility. We ain't even doing the things we know how to do now.

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## ADDRESS BY SENATOR TUNNEY BEFORE UNITED JEWISH APPEAL, SEATTLE, WASH.

Mr. TUNNEY. Mr. President, last Friday night, I had the privilege of addressing the campaign opening dinner for the United Jewish Appeal in Seattle, Wash.

That opportunity enabled me to set forth my views on the successful summit meetings that the President had just concluded in Moscow.

Mr. President, I ask unanimous consent that the complete text of my remarks, commending the President on the accomplishments of the summit, be printed in the RECORD.

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

ADDRESS BY SENATOR JOHN V. TUNNEY

I am flattered that you have asked me to speak with you this evening and am delighted to have this opportunity to be a participant in the United Jewish Appeal.

I considered talking about any one of a variety of subjects: the legislative attempts to force an end to the tragedy in Indochina; the increasing credibility gap which plagues our government even more directly since the nomination of Mr. Kleindienst has been considered; my recent trip to the Middle East, during which I had an opportunity to explore the attitudes of leaders both in Egypt and in Israel; or the efforts that have been made and that must be renewed to solve the urgent problems of our urban communities, in housing, education, transportation, and in the general quality of life.

But I decided that it would be most appropriate this evening to speak with you about the events of the past week which I believe are most likely to be remembered as historic; events which might signal a breakthrough in the relations between the United States and the Soviet Union.

I have disagreed strongly with President Nixon on a number of the policies he has pursued during his term of office. I am in sharp disagreement with him in the most important policy of his administration: his so-called "plan" to end the war in Vietnam. I have criticized the bombing. I have condemned the escalation and the continued slaughter. I have sought to end the war more quickly and more convincingly.

But I must applaud the President upon the accomplishments of the summit. He brought home agreements in a wide variety of important areas. He demonstrated that America's national interests require international accommodation and that national security is better served if it is premised upon some conception of world order. He concluded agreements which proved that American interests need not be compromised in the course of obtaining agreement with the Soviet Union—that, regardless of ideological disputes and national competition, peace and economic development serve the interests of both powers.

It should be evident that it was in the interests of the leaders of both sides to underscore the importance of the agreements reached in Moscow and to orchestrate the announcement of the agreements in such a way that their features would be highlighted and their content would be given the maximum of attention.

Therefore, it is important to scrutinize the substance of the agreements themselves—to evaluate carefully the content of the declarations. Some of the results are more impressive than others; some are disappointing. It is important to recognize that these agreements are the product of long and painstaking negotiation; that none of the key points was arrived at easily or spontaneously at the summit.

My conclusion is that, regardless of the fanfare surrounding the agreements and their formal acceptance, an analysis of the substance of the agreements reveals an impressive record of accomplishments.

The accomplishments of the summit can be divided roughly into five major areas:

First, trade.

Second, defense and arms control.

Third, multilateral relations, or agreements which require the cooperation of nations other than the United States and the Soviet Union.

Fourth, Soviet-American cooperation in other areas of mutual concern.

Fifth, the so-called "Declaration of Principles" set forth as areas of agreement between the two superpowers.

Let me evaluate briefly the agreements in each of these areas: First, in trade. The Washington *Post* summed it up well: "In light of the expectations which surrounded the trade discussions, the result here must be termed a disappointing one. On the issue of trade, the United States and the Soviet Union seem to have done nothing more than establish a commission, as the Russians put it, 'to promote the development of mutually advantageous relations in trade.' None of the known troublesome issues was resolved: not the Soviet lend-lease debt, not American credits, not terms of American investment in Soviet projects, not the matter of giving Soviet goods fair access to the American market, not procedures for doing business, not the settlement of trade disputes. No big new trading deals were announced or even targeted. Nor does the proposed new commission appear to envisage, on the American side, the kind of official agency which many specialists believe to be necessary to let American traders and investors deal more effectively with the Soviet state trading system. Overall, one must gain the impression that a major part of that 'structure of peace' which Mr. Nixon hoped to build at the summit—the economic part—was not in fact put in place."

Moving from the first issue, trade, to the second issue, defense and arms control, we move from the most disappointing of the results to the most encouraging.

The arms control agreements which were negotiated painstakingly and tediously during three years of strategic arms limitations talks, are historic, unprecedented, and might prove to be vitally important to the security of both the Soviet Union and the United States.

The arms control agreements limit the numbers of Anti-Ballistic Missiles (or ABMs); Inter-Continental Ballistic Missiles (known as ICBMs) and submarines. The agreement is divided into two parts: a treaty, which will require ratification by the United States Senate, and which limits each side to two ABM sites, one site to protect the capital city and the other to protect an ICBM field. Significantly, in each of these ABM locations, no side can deploy more than one hundred interceptors. The essence of that treaty is that it recognizes the mutual vulnerability of either side and commits both parties to maintain that vulnerability. For if either side can fire one hundred and one missiles at a site which is protected with an ABM system which contains one hundred interceptors, and even assuming perfect accuracy, the target, especially if it is a city, will remain vulnerable.

And, to underscore the ease with which either side can accomplish that offensive capacity—and the futility of attempting to defend against it—it suffices simply to mention that each Poseidon submarine contains sixteen missiles and that each missile fields ten different warheads, all targeted independently. So, on a single Poseidon submarine, we have one hundred and sixty independently targeted missiles, enough to destroy many times over any Soviet city, whether the city is Moscow, ringed with a protective ABM coating, or any other city, which will have no ABM interceptor missiles available for its defense. The continued development and procurement of ABM systems would have necessitated the continued development of offensive weapons in order to maintain the mutual vulnerability of the two powers.

And, it should be remembered, it is that mutual vulnerability which is theoretical underpinning of the policy of nuclear deterrence. For, so long as each side can deliver unacceptable punishment to the other, it will be blatantly contrary to the interests of either power to provoke or initiate a nuclear exchange.

So much for the ABM part of the agreement. The other agreements are also vitally important. They are in the form of so-called "executive agreements" and, technically, do not need to be ratified by the Senate. Their duration is five years and, accordingly, will have to be renegotiated in 1977 if they are to be renewed.

They relate to ICBMs and to submarines. The ICBM agreement freezes the number of ICBMs available to each power at the currently existing numbers. It permits the Soviet Union to maintain 1618 ICBMs and the United States to maintain 1054. Although the numbers ostensibly favor the Soviet Union, two points must be remembered: First, the relevant standard is not number of missiles. That type of numbers game is unproductive and irrelevant. What counts is our ability to penetrate Soviet defenses and, thereby, to deliver unacceptable destruction to the Soviet Union. Only in that way will a deterrent posture be credible. Using that criterion, it is important to recognize that each side currently has much more destructive capacity than is necessary to sustain either a credible deterrent posture or to deliver a destructive nuclear exchange. Either side could easily scuttle a number of its missiles and still retain that ability. Second, even if one does want to engage in the game of counting weapons, the proper measure of a nation's destructive capacity is not the number of missiles, but the number of independently targeted warheads. And the

United States has considerably more independently targeted warheads than does the Soviet Union, due to our ability to produce what is called MIRVs, or multiple individually guided re-entry vehicles. The Soviet Union has no such technical capacity at this time. Although the Soviets can put several warheads on the same missile, they cannot target those warheads independently.

Accordingly, it would not jeopardize the security of either country to cutback on the enormous number of missiles and warheads that each have developed and deployed. But, when neither side is committed to a policy of cutbacks, each side sees an incentive to continue to build. A policy of freeze might enable both parties to understand that further production and deployment is unnecessary.

The second part of the so-called "executive agreement" pertains to submarines. This is considerably more technical, and, in an effort to keep you awake, I will not go into it in great detail. It operates on a similar philosophy as the ICBM agreement, but it allows the Soviets to build some eighteen more submarines than the United States. Without the agreement, the Soviet Union would probably continue to build the eight new submarines that it has been building annually while the United States has no plans to develop a new submarine, even if the requested ULMS submarine is approved, for at least five years.

Freezing the quantity of ABMs, ICBMs and submarines does not provide insurance against war between the superpowers. But it does recognize explicitly the strategic folly of such a venture and it does insure the maintenance of a credible deterrent posture. It is premised upon a policy of parity in strategic nuclear arms, upon the view that through parity the peace will be preserved. It does not signal an actual cutback in nuclear arms, but it is an important first step in limiting the spiralling and unproductive arms race between the United States and the Soviet Union.

Moving from the successful arms control agreement to the area of multilateral relations involving third parties, we move back to an area which was less productive. The summit demonstrated clearly that the two sides have an easier time agreeing on bilateral matters than on international concerns which directly involve third parties. It appears that in the two most important and delicate areas, the Middle East and Indochina, the United States and the Soviet Union agreed to disagree. Both sides stressed their support of Security Council Resolution 242 as the basis for the peaceful resolution of the Mid-East disputes and the two sides set forth, in polite but clear language, dramatically divergent views of the continued crisis in Indochina. The two countries agreed that a multilateral conference should be convened on matters involving European security. That was the most significant result in the multilateral area. It could initiate an important new element in the process of defense in Europe.

None of those results come as much of a surprise. Although there was talk of some progress in these areas, there was no real expectation that either power could exert sufficient leverage on the smaller powers—who once were labelled "clients" but who have developed an ever-increasing degree of independence—to force an accommodation.

I was particularly concerned with the position of Israel at the summit, and with the suggestion that the superpowers might attempt to impose an unacceptable security agreement upon her. I believe that such an effort would have been unwise and I am pleased to see that the President did not attempt it.

So, we have a disappointing international result, but, in light of the low level of expectations in this area, the ledger on this subject can reflect a neutral result.

Let us, then, move to the fourth general area: that of Soviet-American cooperation in other areas of concern. Here, a variety of accords were reached and several noteworthy agreements were signed. I shall note them briefly: First, the two sides agreed to continue to negotiate toward reaching an agreement on maritime and related matters; they agreed on ways to prevent incidents at sea and in the air between vessels and aircraft of the United States and the Soviet Union. Second, they agreed to cooperate in science and technology and to create a joint commission toward such cooperation. Third, they agreed to cooperate in space and have planned, as a dramatic indication of that cooperation, a joint manned spaceflight which is scheduled to occur in 1975. Fourth, the two countries agreed to share their knowledge in fighting disease, improving health, and resisting the specific enemies of cancer, heart disease, and environmental health hazards. Fifth, the United States and the Soviet Union agreed to initiate a program of cooperation in the protection and enhancement of man's environment and to engage in consultations in the near future on specific cooperative projects in this area. Sixth, and finally, the two countries agreed to continue already existing exchanges in the fields of science, technology, education and culture.

When you consider the distance from which these two powers began to deal with each other, the combined impact of these six broad areas is enormous. It is true that some of these agreements appear cursory and others appear easy to accomplish—at least among neighbors, friends, or countries which respect and trust each other. But in light of recent Soviet-American history, the combination of these six agreements at once is in itself historic.

Finally, let me mention the fifth area, the Declaration of Principles, set forth as areas of agreement of the superpowers.

This "Declaration" consists of twelve very broad guidelines, which the New York *Times* has labelled "Rules for Coexistence." They are not specific. They are not detailed. They are not comprehensive.

But they are broad parameters which, for the first time in history, enable competitors, even potential military competitors, to set forth several general and helpful rules of the game. It is almost as if two teams were delineating ground rules before a strenuous athletic event. Here are two combatants agreeing upon general principles, including things as important as the avoidance of nuclear conflict. That Declaration of Principle, the first of the twelve, states that the United States and the Soviet Union "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence."

That first "principle" is certainly the most important, but the others also affirm an abiding mutual conviction that it is better, healthier, and smarter to play by certain rules, to work toward common objectives, to support and preserve the peace, than it is to continue to deal with each other with unbridled hostility and intemperate cynicism. That is not to say that the two sides suddenly trust each other and accept the other's terms and conditions of government. It is to say that they are willing to reduce tensions and to minimize conflict where possible and to recognize that the preservation of the peace is an essential, shared ingredient.

So, if we evaluate the ledgers of these five areas, we find a mixed result. We find a "minus" on trade; a significant "plus" on arms control; a "neutral" on the multilateral issues; a "plus" on the more general areas of bilateral cooperation; and another "plus" in the evaluation of the "Declaration of Principles."

The sum total of these agreements constitutes a major accomplishment. It improves the atmosphere between the two countries. It makes their relations easier and more cordial. It broadens areas of agreement and to some degree at least narrows the areas of divergence.

Perhaps most important, it serves notice to the world—and each power to the other—that the United States and the Soviet Union respect each other. They don't love each other. They might not even trust each other. But they respect each other. They each recognize that the other is a great power, one to be respected. Neither is an international pariah.

The motives of each side are much less important than their actions. Perhaps the Soviets are acting in part to tell the Chinese that they are not a great power. Perhaps the President is ultimately concerned with his re-election. Perhaps each is playing a delicate game of balance of power. Regardless of the motives, the results of the agreements make peace more possible and make war less likely.

I do have some concerns with the process and I believe it is important to set them forth, if only briefly. While I believe that the President and Dr. Kissinger have played a masterful game of balance of power, I fear that they are more aware of the broad strokes of nation-states than they are of the implications of their moves on real human beings. They might be able to find a balance whereby the United States, the Soviet Union, and the People's Republic of China can each survive against the others and where no aggregate of them will overpower a third. They might be able to achieve a regional balance in South Asia, or in the Middle East, or even, though less likely, in Southeast Asia.

But in achieving that balance, human beings are the ultimate factor in the policy. That often seems to be forgotten. Frequently the suffering, the economic and human costs, are ignored. Take the Soviet Jews for example. Despite repeated requests by the Congress—I myself sent three letters to the President on the subject and introduced two resolutions—it does not appear that the President even raised the issue of the treatment of Jews by the Soviet government. If he did raise it, he has kept it a well guarded secret.

Bismarck and Metternich may not be appropriate models in a world of over one hundred nation-states, a world which contains nuclear weapons, and which has a desperate need for an improved international order. While nations might be pawns on an international chessboard, their citizens are real, breathing, living people. It must never be forgotten that people are the lifeblood of nations. In the twentieth century, especially in a democratic society, their support and consent is an essential ingredient of policy.

Thus, the summit has left me with some reservations, some real concerns, but a generally positive reaction. I am reserved about its results in trade and in multilateral agreements. I am concerned about the President's apparent failure to raise the issue of the Soviet Jews—and the duplications of that failure on decision-making; the implications that the Congress is not included in the process and that the human beings affected are often submerged in a Grand Design.

But, evaluating the results as a whole, we must applaud the accomplishments of the summit. We must applaud the accomplishments in arms control and in general Soviet-American relations.

The ultimate ingredients in a successful summit are an improvement in interna-

tional relations without jeopardizing national security—the increased promise of peace and the firmer foundation of world order. Those ingredients mark the Moscow Summit—and make it an historic event.

## ENTRY OF MAY 31, 1972, ENTITLED "DELETION OF AN ENTRY ENTITLED 'RETENTION OF REPUBLIC OF CHINA IN THE U.N.' IN CONGRESSIONAL RECORD OF SEPTEMBER 29, 1971"

Mr. THURMOND. Mr. President, on May 31, 1972, I asked that a petition which I had inserted in the CONGRESSIONAL RECORD September 29, 1971, be deleted from the permanent RECORD before it is bound and published. However, I find now that publication is too near complete to accomplish this deletion.

The petition was entitled "Retention of Republic of China in the United Nations." It was submitted to me by the Honorable Hamilton Fish, former New York Representative, asking that I insert the petition in the RECORD with approximately 150 signatures.

Mr. Fish's letter of September 22, 1971, is as follows:

I am enclosing a copy of the letter that we are sending out today to all Ambassadors of the free nations in the United Nations. I hope you will take the trouble to read the letter and I believe you will agree with it. Those who have seen it think it is constructive and that it will be helpful among the Ambassadors who are on the fence.

I would appreciate it if you think well of it, to insert it in the Congressional Record with approximately 150 names and if you do not want to do so for any reason, you might ask Barry Goldwater or Sen. Carl Curtis, or anyone you think would be interested. I have asked very few members of the Senate in writing, to serve.

I find now that some of the people whose names were provided as signatories to the petition claim they were included erroneously and that there may also be others.

Mr. President, I therefore ask unanimous consent that my request of May 31, 1972, be removed from the permanent RECORD since its purpose is not technically possible. I also ask unanimous consent that the petition submitted September 29, 1971, be disregarded in view of the erroneous listing of signatures.

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

## NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. TOWER. Mr. President, I am pleased to cosponsor Senate Joint Resolution 236, a resolution authorizing the President to proclaim the week beginning October 15, 1972 as National Drug Abuse Prevention Week. This event has been celebrated in the two preceding years by virtue of a Presidential proclamation. It is appropriate that Congress join with the President in calling attention to the problem of drug abuse, which has been designated Public Enemy No. 1.

I commend President Nixon for his fine initiatives in this vitally important field. He established the Cabinet Committee on International Narcotics Control in September, 1971, to supervise the Government's war on international drug trafficking, especially heroin. Building on earlier United States-Turkey agreements and in response to U.S. initiatives, Turkey has announced a total ban on the growing of opium poppy as of July, 1972. The United States and France have agreed to regularize cooperative arrangements in narcotics suppression efforts. Narcotics control coordinators have been appointed in over 60 American Embassies to work intensively at drug control with foreign governments, and action plans have been formulated for significant producing and transit countries. The budget for international narcotics control has increased from $30 million in fiscal year 1972 to $50 million in fiscal year 1973. All of these measures have brought us closer to our goal of cutting off the supply of heroin and other hard narcotics which are being smuggled into this country.

President Nixon's second major objective has been to inhibit the distribution of dangerous drugs. Federal expenditures for narcotics law enforcement were increased from $20.2 million in fiscal year 1969 to $164.4 million in fiscal year 1972, and $229 million has been requested for fiscal year 1973. Since 1969, the Bureau of Narcotics and Dangerous Drugs has trained 170,000 State and local personnel in narcotics and law enforcement schools, seminars, and training sessions. The results have been rewarding. Heroin seizures made by or with the assistance of U.S. officials increased 160 percent in 1971, and narcotics arrests increased 70 percent in 2 years. The Office of Drug Abuse Law Enforcement was established by President Nixon on January 28, 1972. Through the Justice Department it is directing an intensive effort in 33 target cities through nine regional offices against street and middle level heroin pushers.

President Nixon's third major objective has been to educate the public and to rehabilitate the drug addict. Federal expenditures for drug abuse prevention and treatment were increased from $46 million in fiscal year 1969 to $310 million in fiscal year 1972. The Drug Education and Training program, as of October 1971, had trained over 440,000 teachers, students, and community leaders in drug abuse prevention. The National Clearinghouse for Drug Abuse Information has assisted in the distribution of over 35 million pieces of drug education information to date.

Finally, the Special Action Office of Drug Abuse Prevention was established on an interim basis by President Nixon in June 1971, and signed into law on March 21, 1972. This agency will work to coordinate and give policy direction to programs now spread through Federal agencies and develop a national strategy for drug abuse education, treatment, rehabilitation, research, and prevention.

Under the capable leadership of President Nixon, the Nation has made good progress in its effort to win the war on drug abuse. I feel that we are on the threshold of turning the tide. To be able to return over 500,000 heroin addicts and millions of amphetamine, barbituate, and alcohol abusers to a useful, productive, and satisfying role in our society would be one of our Nation's most significant victories.

## WOODLAWN REHABILITATION PROJECT

Mr. PERCY. Mr. President, ever since a brilliant series of articles by the Chicago Daily News on decay and destruction in the Woodlawn area, the eyes of the rest of the city of Chicago, and urban specialists of the whole Nation, have been focused on the public and private efforts to rebuild and revitalize this major urban area.

I joined with Representative ABNER MIKVA and Federal officials to tour the area last fall and subsequently joined with them to form the Woodlawn Task Force. This was an effort on our part to bring all the vast resources of the Federal Government to bear on the disastrous conditions prevailing in the area.

I am pleased to state that the Department of Housing and Urban Development has acted to earmark funds to rehabilitate some 1,100 apartments in the Woodlawn community. I believe HUD and the director of its Chicago area office, Mr. John Waner, are to be commended for their investment in the rejuvenation of this core neighborhood. I share Mr. Waner's view that much of the credit should be given to the Chicago Daily News for, in Mr. Waner's words, "giving all of us an incentive for doing something about it."

I ask unanimous consent that an article from the Chicago Daily News reporting the commitment by HUD to rehabilitate these units be printed in the RECORD.

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

HUD ACTS TO FIX 1,100 HOMES IN WODLAWN

(By Dennis Byrne)

Federal housing officials are moving to rehabilitate more than 1,100 apartments in the decaying South Side Woodlawn community, it was announced Thursday.

John Waner, Chicago-area director of the U.S. Department of Housing and Urban Development, said the project is part of a $56 million rehabilitation program earmarked for the Chicago area.

The Woodlawn action follows a Daily News series last year which detailed the devastation caused in the area by an epidemic of suspicious fires. More than 30,000 persons fled the community leaving vast expanses of abandoned and demolished buildings.

Waner, in remarks prepared for delivery to a conference on HUD's "Project Rehab" here, said officials already have determined that the rehabilitation of 824 Woodlawn units is economically feasible.

Applications for another 335 are in the works, he added.

"That's 1,159 units more than the zero units that were being rehabilitated before The Daily News series," Waner said.

"I thank The Daily News for bringing out the choatic conditions in Woodlawn and giving all of us an incentive for doing something about it," he said.

In Lawndale 126 units are being rehabili-

tated under the program, and plans are being made to include 226 more.

In other areas throughout the city, 1,122 units are in production and 1,000 more are being processed, he said.

Under the program, federal money, in the form of FHA mortgage guarantees, allows nonprofit organizations to buy and rehabilitate the buildings.

The program is aimed at freeing funds that often are difficult to obtain from private lenders unless there is federal backing.

Most of the Woodlawn buildings earmarked for rehabilitation have been abandoned and extensively damaged by vandals, according to Waner.

"New activity is starting in Woodlawn," Waner said, pointing to the program. "All agencies have sat down with us and given every assurance that they will help improve the Woodlawn situation."

"We now believe that the time is right (for rehabilitation projects throughout the Chicago area)," he said, "as all the resources are available and the inventory of housing for rehabilitation is certainly available."

## LAW DAY, MAY 1, 1973

Mr. TOWER. Mr. President, I am pleased today to join the distinguished Senator from South Carolina (Mr. HOLLINGS) in cosponsoring his Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

Certainly, Law Day is an appropriate time to selectively commend the courageous men and women who, each day of their lives, risk their personal safety to protect and defend our freedom and our security.

America is a nation built on law. Americans are a people governed by law. More important, however, Americans are a people protected by laws they have chosen themselves to insure the perpetuation of their collective liberty.

Today we are witnessing a peculiar spectacle in our society. Americans have always taken pride in their system of laws and the security it afforded them; but, today there are growing numbers of people who question these laws and flagrantly abuse them in an audacious attempt to test their strength. Law enforcement officers today, more than ever before, must bear the brunt of this violent, reckless element of our society. They, too, more than ever before, deserve the credit for defending and perpetuating our system.

Let us not pass this off lightly. Let us not take this courage and this patriotism for granted, for the fight against crime and violence in this Nation is the responsibility of us all.

Our system of government is flexible. It can adapt to changing times, changing values and social attitudes. It can accommodate a variety of philosophies. Indeed, this is the wisdom and the strength of the system. It is built around a concept of changing values and the means of orderly change are built in with it. It provides for continuity through change which provides the flexibility necessary for its survival.

Let us pause and renew our commitment to our government of laws, and plant our feet squarely behind our law enforcement officers.

## DIMINISHING INVOLVEMENT OF THE UNITED STATES IN VIETNAM

Mr. BROCK. Mr. President, President Nixon has and is keeping his commitment to the American people to extricate us from the Vietnam conflict. He has totally transformed the United States role in Southeast Asia. Instead of sending half a million men to war, he has returned half a million home. Soon we will have no men at all involved.

Yet, despite this credible and consistent record to bring our involvement in Vietnam to a conclusion, there are those who would seek to demean his integrity. Among them is one Clark Clifford, former Secretary of Defense under President Johnson and chief warlord of the years of our peak involvement in Vietnam. Now, when a record of consistent demilitarization by the United States in Southeast Asia and the world has been established, this self-annointed and newly-found dove decrees that the United States cannot disengage in any way short of "turn tail and run." In his colossal conceit, Mr. Clifford now seeks to make his new-found insight a self-fulfilling prophesy.

Mr. President, when the question of credibility in Government arises, one can only point to the records of men such as Clark Clifford, the Rostows, Harriman, and the Bundy brothers. The group of them, who failed so utterly in every way in interposing this Nation in Vietnam, who sought to impose their arrogant philosophies of intervention and war on the people of South Vietnam and America alike, now suggest we should subscribe to their "insightful" banterings which in essence say "the heck with principle or POW's, let us cut and run."

The most recent affront to the public intelligence is the appearance of Mr. Clifford before the House Committee on Foreign Affairs. This performance would have to be classed unique in its duplicity and self-righteousness.

Mr. President, I ask unanimous consent that the recent column entitled "Clifford and the Flight of the Dove," written by Mr. James J. Kilpatrick, be printed in the RECORD.

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

CLIFFORD AND THE FLIGHT OF THE DOVE

(By James Kilpatrick)

WASHINGTON.—Clark Clifford, the eminent dove, last week flew a classic course through the House Foreign Affairs Committee. It was a dazzling performance, much applauded by the evening TV news and by the Sunday papers, but it invites a few dissenting observations nonetheless.

I happen to live quite literally in dove country, up in the Blue Ridge Mountains, and would tell you something of this marvelously talented bird. Unlike the quail, which is constantly heard but not so often seen, the dove is highly visible. Unlike the bashful woodcock, which hides in shady places, the audacious dove delights in public attention.

Yet the dove is notoriously the most difficult prize of the upland hunter. The dove owes his survival not so much to sheer speed, though he is deceptively swift; the genius of the dove lies in his skill in shifting direction—left, right, backwards; now skimming, now soaring. The dove always lights, as if by magic, just 10 yards out of range. He can vanish in a second.

Observe the flight of Clark Clifford: "The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting." Here he is skimming the truth. He maintains his speed: "The small, underdeveloped nonindustrial nation of North Vietnam constitutes no threat to us . . ." True enough; true enough. Now he soars: "And it is equally clear that Russia and China are not on the march in Southeast Asia." But how did that get to be equally clear? It is communism that is on the march, communism in whatever mask it wears.

Clifford veers: "The American people have two major interests: To get our forces—all our forces—safely out of Indochina, and to get our prisoners back." There, if you please, is the dove in perfect flight, simple, swift, misleading. The sentence flashes by and disappears before the possibility of other major interests might be injected. One such interest, at least arguably, is the preservation of small islands of freedom against engulfing waves of Communist aggression.

Clifford has another idea. No matter what Mr. Nixon's stated goals may be, the true commitment is "to provide indefinite support for the Thieu regime." The purpose of the President's recent countermoves is not to deny the enemy the weapons of war—that dangerous prospect has the witness fluttering in dismay. No, Mr. Nixon has mined the harbors and stepped up bombardment and destroyed rail lines, and "he has done all this to preserve his insistent goal of a secure regime in Saigon."

To which one might respond, if one had a shot, that Nguyen Van Thieu is not immortal; that is serving a four-year term; that he has offered to resign as part of a peace settlement; and that, meanwhile, a secure regime in Saigon is better than an insecure regime in Saigon—better, that is, if one is interested in preventing Communist conquest.

During his days as secretary of defense, Clifford set no records for infallibility. It is thus unclear why he should be regarded as a fount of perfect truth and wisdom when he insists that Nixon's measures "will have no immediate effect on the outcome of the fighting in the South, and probably no effect for many months."

On the contrary, when account is given to the totally different kind of war now being waged, there is reason to believe that Nixon's relatively bloodless measures of "denial" may seriously inhibit a flow of fuel and heavy weapons to the enemy. To some observers, whose record at least matches Clifford's, it seems worth a try.

Clifford's own solution, as he testified, is "short and simple." He flies circles around its essence, but essentially his plan is for the United States to admit defeat and to surrender the whole of Southeast Asia to the Communists. This he describes as an "overall settlement" not incompatible with the interests of Hanoi. It is a solution, one is bound to concede, perfectly in keeping with the swerving flight of the fleeing dove. Now you see him; now you don't.

## DELAWARE LEGISLATURE ACTS TO PREVENT OCEAN DUMPING

Mr. BOGGS. Mr. President, last week, I had the opportunity to describe for the benefit of the Senate the background of a potential ocean pollution danger to the beaches of Delaware.

Fortunately, that danger was averted after prompt action by Gov. Russell

Peterson of Delaware to halt the dumping.

The people of Delaware and the Delaware Legislature strongly support the Governor in his action. To give Senators a better understanding of Delaware's views on this situation, I ask unanimous consent that a copy of Delaware House Concurrent Resolution No. 58, be printed at the conclusion of my remarks.

This resolution, which passed both Houses of the Delaware Legislature, was sponsored by Representative Harry Derrickson and Senator Thomas Hickman, following news that the dumping incident might occur.

Both legislators are to be congratulated for their efforts to protect our Delaware beaches.

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

HOUSE OF REPRESENTATIVES 126TH GENERAL SECOND SESSION—1972—HOUSE CONCURRENT RESOLUTION NO. 58

Expressing vehement opposition to the proposed dumping of sewage sludge off the coast of Delaware by the Hampton Roads, Virginia Sanitation District, and directing the attorney general of the State of Delaware to promptly seek injunctive relief through the Federal District Court, and by memorializing and urging Delaware's congressional delegation to use the influence of their offices to stop such activity

Whereas, the members of the 126th General Assembly of the State of Delaware recently learned, with alarm, that the sewage treatment facility of the Hampton Roads, Virginia Sanitation District located at Newport News, Virginia, is malfunctioning, the result of which is the proposed dumping of 700,000 gallons of partially treated sewage off the coast of Delaware; and

Whereas, such activity, if permitted, would be severely detrimental not only to the environmental efforts so diligently pursued by all Delawareans, but a flagrant violation of the moral commitment to which thousands of Delawareans are dedicated; and

Whereas, there are other disposal alternatives available to the Virginia Sanitation District in lieu of dumping off the coast of Delaware; and

Whereas, the dumping of sewage off the coast of Delaware portends a bad precedent for neighboring states and municipalities to dump off the coast of Delaware whenever their sewage treatment facilities become inoperable.

Now, therefore, be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that the Attorney General of the State of Delaware is hereby directed to promptly seek injunctive relief through the Federal District Court to preclude the Hampton Road, Virginia Sanitation District from dumping partially treated sewage or any sewage off the coast of Delaware.

Be it further resolved that Delaware's Congressional Delegation use every available influence of their offices with their colleagues and appropriate executive agencies to stop the Hampton Roads, Virginia Sanitation District from dumping sewage off the coast of Delaware.

Be it further resolved that Delaware's Congressional Delegation seek the necessary help from their Congressional colleagues and the appropriate federal agencies in resolving permanently the use of the Delaware Coast as a dumping ground for sewage waste.

Be it further resolved that this resolution be made a part of the House and Senate Journals and that copies be forwarded to the Attorney General of the State of Delaware and Delaware's Congressional Delegation promptly upon enactment.

## THE GOOD LIFE IN WEST VIRGINIA

Mr. ROBERT C. BYRD. Mr. President, too often in the past, some newspapermen have been guilty of presenting an untrue, stereotyped picture of West Virginia. Stories have ignored modern school buildings in favor of the one-room school house; they have bypassed the busy factories and thriving communities in order to concentrate on an area devastated by poverty or a natural disaster.

That is why it was such a pleasure for me to read an article titled "Ex-New York Execs in the Hills" that appeared in the May 27 edition of Editor & Publisher. The article shows that the good life not only exists in West Virginia—it abounds.

The "Ex-New York Execs" referred to are Robert Arnold and Stanley Meseroll. Mr. Arnold was a senior vice president of the world's largest bank, and Mr. Meseroll was managing editor of Sports Afield magazine.

Last September 1, they decided that, at least for them, the good life could not be found in the urban sprawl of the New York City area. Thus, they purchased the Glenville Democrat, one of the many fine weekly newspapers in West Virginia, and they moved to an environment that could satisfy their love for hunting and fishing.

Mr. Arnold is a native of Glenville, in Gilmer County, and I take this opportunity to welcome him home. I also welcome Mr. Meseroll, who has become a new citizen of West Virginia.

The fact that the article appeared in Editor & Publisher, considered the "bible" of the working newsman, is significant. It may not convince hundreds of reporters to move to West Virginia; but it might convince them to disregard inaccurate stereotypes, to look for the good and not only the bad, the next time they are assigned to do a story there.

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:

EX-NEW YORK EXECS IN THE HILLS

(By Craig Tomkinson)

Robert Arnold, a former senior vice president of the world's largest bank, and now a weekly newspaper publisher in the West Virginia hills, has this advice for anyone aspiring to a similar change in life styles: "Be prepared to work your tail off."

Arnold said he's used to working long hours but since he and his partner, Stanley Meseroll, bought the *Glenville Democrat* last September 1, "we've really been at it."

In fact, so much time has been devoted to the paper that the pair have had little time to pursue hunting and fishing, their favorite pastimes.

It was hunting and fishing, in fact, that brought them together in the first place. Arnold was vice president in charge of personnel at the National City Bank of New York and Meseroll was managing editor of the one-and-a-half million circulation *Sports Afield* magazine. Both lived with their families in suburban Highland Park, New Jersey, where they became friends through their common interest in hunting and fishing.

Their love for the outdoors contributed heavily to their disillusionment with working the long hours (sometimes up to 14) each day as well as putting up with the daily inconveniences the city affords commuters. They decided to chuck it all for rural journalism.

NATIVE OF GLENVILLE

Selection of Glenville was no shot in the dark. Arnold is a native of the 1,800 population town in the center of West Virginia. Both his and his wife's parents still live there, as well as a number of other relatives.

Meseroll's first view of Glenville came last year when he and Arnold passed through on the way back from a turkey hunt. He spent much of that first visit fishing for musky with Arnold and his father. Clearly it was the kind of town for someone fed up with the rigors of urban employment.

As luck would have it, the then editor and owner of the Democrat was retiring and the paper was up for grabs. Arnold and Meseroll took it over and the paper hasn't been the same since.

Business, according to Arnold, is up 50 percent over last September, due to several factors. Not the least of these was that the new owners automated the billing process for ads and subscriptions. Previously billing had been done by hand. Arnold said it gave the paper a better cash flow.

Circulation, which was under 2,000 at the time the pair bought the Democrat, is now up to 3,400 a week, paid, county wide. Glenville is the Gilmer county seat.

The newspaper's backshop, as Arnold described it, is now beginning to look more like someone's living room than a production department. Carpet on the floor, walls removed, acoustical ceiling tile—the works.

When Meseroll, who handles the editorial side, and Arnold, who handles business, took over, the paper still had its old flatbed press and a number of elderly linecasting machines. This despite the fact the paper had been cold-type and offset for eight years.

The press is gone now but the linecasters have been retained for commercial work. Arnold is proud of a new Compuwriter and said it's a dream. Offset printing of the paper is done at Spencer Newspapers Inc.

NOT ENCOURAGE PRINTING

Arnold said the Democrat doesn't promote job printing but that that part of the business has increased also.

The overall increase in circulation and business has meant an increase in the number of employes. It's up to five and a half now, including the two owners. Arnold said they're still looking for one additional writer.

In the editorial area the coverage has been beefed up and Arnold said this undoubtedly accounts for much of the increase in advertising and circulation.

He said the paper now maintains high standards with regard to editorial copy. Time is taken to rewrite all news releases and all other copy is in-house written.

"We're not being passive about things going on in the county," Arnold said, "we point out things."

He rated a major piece written about the condition of the county school system as the single most important article since September.

Other articles run the gamut from sewage to politics. Arnold credited his partner with having "done some excellent material on history. We try to stress history by finding old photos of town and getting the same shot as the spot looks today."

Despite the fact that Glenville lies in West Virginia's Appalachian mountains it is far from the poverty pocket image held by other parts of the same range.

In fact, Arnold pointed out, the local unemployment rate is lower than the national average.

One reason for the better welfare of the

Glenville area is that it does not have coal mining. The area is primary agricultural with some gas and oil production.

But the major employer in town is Glenville State College from which Arnold graduated in 1950 (he and Meseroll are both in their mid-forties). The college has some 1,600 students.

WORK FOR COLLEGE

Arnold, who said the college "adds a little sparkle to the town," will himself be working for it shortly. He has accepted the part time position of director of alumni affairs.

As if the paper, hunting, fishing, and working for the college isn't enough, Arnold is also trying to rehabilitate two farms he owns on the outskirts of Glenville.

Then on top of that both he and Meseroll are in the negotiating stages of expansion through acquisition of two newspapers in other counties. But Arnold doesn't feel he's creating another kind of rat-race for himself.

He and Meseroll have become deeply involved with county affairs, although Arnold indicated he sometimes wished it wasn't necessary to get quite so involved.

"But involvement," he said, "is one of the responsibilities that come with the opportunity that working on a small paper presents. You can't be an ostrich."

He said he and Meseroll have received many queries from people who are looking to make the shift from an urban to a rural existence and he advises them to be prepared to work a lot. But then he adds a postscript: "It gives a lot of satisfaction."

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, each with amendments, in which it requests the concurrence of the Senate:

S. 3230. An act 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 numbered 279–A, and for other purposes; and

S.J. Res. 72. A joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 6575. An act to amend the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes;

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations;

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes; and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

## HOUSE BILLS REFERRED

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

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 6575. An act to amend the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes;

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes; and

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft; to the Committee on Commerce.

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation; to the Committee on Veterans' Affairs.

## BILL HELD AT DESK

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that H.R. 14106, an act to amend the Water Resources Planning Act to authorize appropriations, which was sent over from the House, be held at the desk.

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

## UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that it be in order to order the yeas and nays at any time on the passage of Senate Joint Resolution 206; and, on the executive calendar, of Calendar No. 20, Executive D—84th Congress, second session—the International Plant Protection Convention, and Calendar No. 21, Executive D—92d Congress, first session—the Convention To Prevent and Punish Acts of Terrorism.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

## NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, the Senate, in executive session, will now continue with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TUNNEY. Mr. President, last Thursday, I indicated that the number of directly contradictory statements made by people under oath would alone demand that the nomination of Mr. Richard G. Kleindienst be returned to the committee to resolve those conflicts once and for all.

Frankly, I believe that there has been every conceivable kind of evasion known to man exemplified in the hearings that extended over a period of nine weeks by the Judiciary Committee.

It explains why our job was so difficult, because at every turn we found

that what one witness had told us before was no longer credible in the light of subsequent testimony.

Time and again, refreshed recollections or volunteered information cast substantial doubt on earlier testimony.

For that reason, I would like to pursue some of those contradictions and inconsistencies in the record.

MITCHELL'S KNOWLEDGE OF THE CONVENTION OFFER

In response to the allegations contained in the Anderson column, Attorney General Mitchell issued the following press release.

Attorney General John N. Mitchell issued the following statement:

I was not involved in any way with the Republican National Committee convention negotiations and had no knowledge of anyone from the Committee or elsewhere dealing with International Telephone and Telegraph. In fact, I do not know as of this date what arrangements, if any, exist between the RNC and ITT.

He followed that with a so-called farewell press conference in which he repeated that statement. I read his answer to a question:

The other two points that were made in the Anderson column, as I recall, was the fact that I was supposed to have knowledge of the activities of the Republican Party holding a convention out in San Diego with respect to contributions by ITT, or one of its subsidiaries. I did not know as of that time, I still don't know today what ITT or its subsidiaries may have had with the city of San Diego or the Republican Party or anybody else.

And then, in his appearance before the committee, Mr. Mitchell said:

The third point, Mr. Chairman, related to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the convention by the Republican National Committee.

I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.

I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego convention site or anything relating to any discussions or negotiations with ITT or any of its subsidiaries.

I do not recall when or how I first learned of the Sheraton Hotel Corp.'s participation and support for the holding of the convention in San Diego, but I believe that I first read about it in the newspapers.

I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof.

The sum of all those statements could not be much clearer—John Mitchell categorically denied that he knew anything about the convention arrangements until the day of his appearance before the committee. He said that he knew nothing at all about the convention arrangements.

Yet, those statements and their clear implications were flatly contradicted by the testimony of other witnesses.

There was a considerable amount of embarrassed, fancy footwork on the part of Lt. Gov. Ed Reinecke and his aide Edgar Gillenwaters over whether they told Mr. Mitchell about the convention in April or May of 1971, but there was certainly no doubt in their minds that they did so in September 1971, a full 6 months prior to the time Mitchell claims he learned of the convention. This was brought out during the course of hearings when Mr. Reinecke was on the witness stand. The Senator from Indiana (Mr. BAYH) questioned him as follows:

Senator BAYH. I do not think there is a whole lot of need of going over this again and again, but as I recall on two or three occasions, a couple of times at least before lunch, and once now, you verified the accuracy of the direct quotation related to you by Mr. Walters on March 3 in the Washington Evening Star which says:

"In talking with Mitchell 'to report on our progress,' Reinecke says he gave the attorney general a complete report on the efforts to have San Diego selected as host city for the convention."

That is correct, is it not?

Mr. REINECKE. It is an accurate quotation by the press but I am sure you understand that I was in error in saying that that took place in May. It was actually in September which was just developed.

Senator BAYH. Yes, it took place; you gave the Attorney General a complete report on the effort to have San Diego selected as host city for the convention—in September instead of May?

Mr. REINCKE. That is correct.

Senator BAYH. In other words, the decision was made to have the convention in San Diego on the 23d of July, and still on some date in September you felt it was necessary to inform the Attorney General of the efforts being made to have the convention located in San Diego?

Mr. REINECKE. Yes, sir.

So on the record there is a flat contradiction between the former Attorney General and the Lieutenant Governor of California about whether Mitchell knew anything about the ITT-Sheraton offer or the convention.

And then, there is the matter of the dramatic change of stories which Lieutenant Governor Reinecke and his aide Edgar Gillenwaters suddenly produced on March 3, 1972, after the hearings had begun and the reason for that change.

Mr. Mitchell told us he had nothing to do with Reinecke's change in his story. I read again from the testimony of the hearings:

Now I am curious to know, did you on March 3 of this year discuss with Mr. Reinecke on the telephone his meetings with you?

Mr. MITCHELL. No, sir; I certainly did not.

Senator TUNNEY. Did anyone from the Republican National Committee or from your office discuss it with Mr. Reinecke?

Mr. MITCHELL. Certainly nobody from my office. I have no idea what goes on at the Republican National Committee.

In other words, Mitchell claimed neither he nor his office had anything to do with the switch in Reinecke and Gillenwater's stories.

When asked the same questions, Reinecke gamely tried to avoid another flat contradiction with Mitchell by claiming that although he got a phone call from someone saying his records did not agree with Mitchell's, he did not know who the call came from. I read from the testimony of Mr. Reinecke before the committee:

Mr. REINECKE. (continuing). That the meeting I was actually referring to was September instead of May.

Senator KENNEDY. During this period of time did you talk with anyone in the Justice Department?

Mr. REINECKE. No, sir.

Senator KENNEDY. You did not have any conversation with anyone?

Mr. REINECKE. Excuse me, what period of time are we talking about?

Senator KENNEDY. I am talking between the time that you had the first conversations with Mr. Walters, and the time that you issued your second statement.

Mr. REINECKE. That all happened in about 24 hours. No, I did not.

Senator KENNEDY. That is right.

Mr. REINECKE. I know, I did not talk to him.

Senator KENNEDY. Did anyone in your office talk with anyone in the Justice Department?

Mr. REINECKE. There was a call that came in that asked that we check our records.

Senator KENNEDY. Who did that call come from?

Mr. REINECKE. I have no idea.

Senator KENNEDY. Who was it to?

Mr. REINECKE. I was not in the office, so I presume it was addressed to me.

Senator KENNEDY. Well, then, how do you know about it?

Mr. REINECKE. Well, because my secretary told me about it.

Senator KENNEDY. What did she tell you?

Mr. REINECKE. She told me that somebody called and said that the testimony of Attorney General Mitchell indicated that I did not see him in May and that I should check my records.

Senator KENNEDY. And she just said someone from the Justice Department?

Mr. REINECKE. I am sorry; it is true. I do not know.

Senator KENNEDY. What about it, Mr. Gillenwaters?

Mr. REINECKE. Excuse me, I am not sure she said the Justice Department. We got a call. I do not know; it could have been someone in Sacramento. It could have been anyone.

Senator KENNEDY. I am sorry, what did your secretary tell you? "We got just a call and someone said we ought to check our records"?

Mr. REINECKE. I am sure she said, "I will deliver the message."

Senator KENNEDY. I am sorry?

Mr. REINECKE. I am sure she said, "I will deliver the message," which is what she did.

Senator KENNEDY. Was it a crank call or what?

Mr. REINECKE. I did not take the call so I cannot really say that but obviously, there was some merit to it.

Senator KENNEDY. Well, did your secretary believe there was merit to it?

Mr. REINECKE. Well, she delivered the message.

Senator KENNEDY. What did she tell you about it?

Mr. REINECKE. She said, "I got a call from somebody that said the Attorney General's timetable or calendar does not agree with the timetable that you have indicated in your statement and they recommended that we check it." We were checking it, in process that morning, and when one of the phone calls, I believe, was made to one of the Washington reporters, following that, we found that I was in error, and we corrected the statements and we made a public statement and we issued the full text of these schedules to prove it.

Senator KENNEDY. Did you——

Mr. REINECKE. This might be considered an honest mistake, I guess. [Laughter.]

Senator KENNEDY. Do you have anything, Mr. Gillenwaters? Did you know about this phone call?

Mr. GILLENWATERS. No; I did not. My office is more than a block away from the the Capitol, a separate building.

Senator KENNEDY. When was the first time you heard about the telephone call? Was it the Justice Department, have we got that on the record?

Mr. GILLENWATERS. The first time I heard about the correction was after the Lieutentenant Governer notified the press.

Senator KENNEDY. We have not got on the record where the telephone call came from?

Mr. REINECKE. I do not honestly know, sir.

Senator KENNEDY. Does your secretary? Did you ask your secretary?

Mr. REINECKE. I did not when I left the office the other day; no.

Senator KENNEDY. She did not tell you, "We got a call from the Justice Department"?

Mr. REINECKE. She just said we got a call. I was out of the office. I came back in and this was the message.

Senator KENNEDY. If she just said you got a call, why would you leave it at this, "We got a call"? I am sure that representing close to 20 million people you get scores of calls every day, and I am just wondering what it was about this call that said just "check your records," that would have suggested to you that you ought to check them. You can help us on that point if you can.

Mr. REINECKE. Right; I wish you could.

Mr. GILLENWATERS. I may be able to shed some light on it. The Lieutenant Governor's secretary, Senator, requested that I call Brit Hume originally because he was out of State and, therefore, I am sure she was very much aware of the statement that had gone out and was in print. When the call came back "check your records," naturally she referred to it.

It would not make any difference to her where the call came from. She knew what the subject was, and when someone calls a secretary and says, "check your records," she is going to run check the records. You know it hardly is going to make any difference to a secretary where the call came from. She is not in the habit of questioning—she would not be in the habit of questioning such a call.

Senator KENNEDY. You mean your secretary is not in the habit of checking who is calling?

Mr. GILLENWATERS. Senator, we do not have a staff the size of the Senate staff. [Laughter.] We have a very limited number of people on incoming calls.

Mr. KENNEDY. And your secretary does not ask who is calling?

Mr. GILLENWATERS. Yes, she does, if there is a message to call back. If there is a message to be delivered, and if a bill is up on the floor——

Senator KENNEDY. This is not a bill up on the floor.

Mr. GILLENWATERS. No; I am giving you an example.

Senator KENNEDY. How big a staff do you need to get a secretary to ask who is calling? [Laughter.] * * *

Senator KENNEDY. Could you, Mr. Reinecke, tell us the time of the call?

Mr. REINECKE. The time that I called?

Senator KENNEDY. No; that you got the call from Washington.

Mr. REINECKE. I did not receive the call, I was out of the office. I returned, it was in the morning, I recall that because when we finally pulled the records out and researched them I believe it was about 12:30 when I made the announcement that there had been an error and that it was the September meeting rather than the May meeting, and as a matter of fact, I was in the process of going through the records at the time that Senator Tunney placed his call to me. And I believe he has documented that to the press as being 10:40 or 10:20 or some such.

Senator KENNEDY. Well, the Los Angeles Times said that it was learned that Reinecke changed his statement after a telephone conversation with Mitchell's campaign office in Washington. Could you give me any reaction to that?

Mr. REINECKE. It is news to me because I honestly do not know where the call came from.

Senator KENNEDY. Could it have come from Mitchell's campaign office in Washington?

Mr. REINECKE. It could have come from anywhere the telephone is connected.

Senator KENNEDY. Could it have come from that office?

Mr. REINECKE. That is presumptuous and I would rather not answer it in the affirmative because I think it might be misconstrued.

Senator KENNEDY. Is it not logical? He had put out one time frame, and was it not logical he would be the one, or someone in his office would be the one, who was calling to check on it?

Mr. REINECKE. It could have been an employee in our own building who read the paper that morning and saw that the Attorney General's calendar did not agree with mine and could have phoned in and said check this out.

Senator KENNEDY. You mean someone in your office?

Mr. REINECKE. I say it could have been, Senator. You are trying to put words in my mouth to say it was the Office of the Attorney General or the campaign office or whatever office you are looking for.

Senator KENNEDY. These are the——

Mr. REINECKE. I have no way of knowing where it came from.

Mr. President, I have read this exchange into the record because it clearly exemplifies the extraordinary tales we heard during the 24 days of hearings.

The Lieutenant Governor of California would have us believe that the secretary in his office—when she received a telephone call saying that Mr. Reinecke's story that he had met Mr. Mitchell in May conflicted with what Mr. Mitchell said in Washington—she did not bother to check who was calling when this call came in. She never bothered to ask this mysterious caller's name.

There is a conflict between the Lieutenant Governor's story and the Attorney General's story. Yet based on that phone call, that mysterious phone call, the Lieutenant Governor decided to check his records, and based upon the check of those records he decided that it was not May after all that he saw the Attorney General; it was September that he saw him.

For those not familiar with the case, the question of whether or not Mr. Reinecke saw Mr. Mitchell in April or May, as opposed to September is this. Mr. Reinecke was trying to get the Republican Convention located in San Diego. According to his original story, when he went to see the Attorney General in May he was attempting to get the Attorney General to use his influence to take the Republican Convention to San Diego. On July 23 the Republican National Committee decided that the convention would go to San Diego. So if Mr. Reinecke had seen the Attorney General in September it would have been approximately 2 months after the convention had gone to San Diego and would mean that the Attorney General was not aware of ITT's commitment of either $200,000 or $400,000, depending on whose story one is to believe about the commitment to bring the convention to San Diego at a time when the antitrust matter was being determined in the Antitrust Division of the Department of Justice.

Mr. Mitchell kept saying he had no knowledge of what was happening with the ITT antitrust matter because he turned that over to Mr. Kleindienst; that he had disqualified himself and that Mr. Kleindienst was in charge at the time the Justice Department was determining whether or not to go ahead with the ITT case or settle it.

But it turns out that if we believe Mr. Reinecke's first story, that during that period when the Justice Department was making the decision of what to do with the ITT's case, Mr. Mitchell had been informed that the convention might be going to San Diego, and that if it would go there, ITT was willing to make a very substantial pledge in dollars to get the convention there.

So we have this extraordinary and elaborate tapestry of stories told by Mr. Mitchell and told by Mr. Reinecke to somehow make it appear that the Attorney General had no knowledge whatsoever of ITT's offer, has no knowledge whatsoever of the convention going to San Diego, prior to the time that the Justice Department allowed ITT to settle its antitrust case.

But irrespective of the inconsistencies in Mr. Reinecke's statement, we do have a central point—that Mr. Reinecke said he did in September—when he changed his story the second time—give all the information to the Attorney General. Yet the Attorney General said he had never been given any information up until the time of the hearing.

Well, Mr. President, you cannot have it both ways. Someone is not telling the truth.

The Attorney General, in saying that he knew nothing about the convention until the time of the hearings, is in direct conflict with the statement of Mr. Reinecke and Mr. Gillenwaters that Mr. Mitchell was told, on one of Reinecke's trips to Washington, about the convention and about ITT's pledge.

So we have the situation where either Mr. Gillenwaters and Mr. Reinecke were not telling the truth about the convention and the ITT case, or Mr. Mitchell was not telling the truth when he said that neither Mr. Reinecke nor anyone else had discussed the matter with him. But the central point is that there was, and still is, an extraordinary inconsistency on the face of it.

I might say that both men appeared before the committee under oath, and when one appears before a Senate committee under oath and he tells a story which is not true, he is guilty of perjury. I do not know who perjured himself, but somebody did.

And finally there is the matter of Mr. Reinecke and Mr. Gillenwaters' stories. For approximately 3 hours, these two witnesses attempted to explain how they had been in error when they had confirmed to a half dozen witnesses that they had told John Mitchell of the convention deal before the convention was

selected and before settlement of the ITT case. Let us look at the facts:

Brit Hume testified about his conversation with Mrs. Beard. Quoting from Mr. Hume's testimony:

She said she first thought of having the GOP Convention in San Diego during a conversation that she had with Ed Reinecke, the California Lieutenant Governor in about January of last year. She said that he considered it a possibility and mentioned it to her.

Now I want to add here that she indicated that she and Mr. Reinecke were friends, and that they had had several meetings, and Mr. Reinecke made visits to Washington on several occasions and there were several conversations, and whether they were in person or on the phone, I do know, but she was in frequent contact with him on this, and they cooperated in an effort to swing the GOP Convention to San Diego and, in fact, it was during this conversation I had with her that evening that she told me that Mr. Reinecke had visited Attorney General Mitchell sometime during the work that she was doing on San Diego, and asked him what he thought about it, and that is how I knew to call Mr. Gillenwaters, or, that is, I called Mr. Reinecke and I ended up talking to Gillenwaters to find out when that meeting had been.

Now, she gave me an account. Now, this is getting into her account of what someone said that someone said, but I will read it for what it is worth. She said that after Reinecke had met with the Attorney General on this subject, she said that the Attorney General had been told that there was a $400,000 commitment from the Sheraton ITT Co.

Senator GURNEY. Did she mention when the date was?

Mr. HUME. No, Senator Gurney, she did not, and I sought to establish later when it was. And she said that she could not be sure, but that she thought it might have been in July. She was quite eager to persuade me, it seemed, that the meeting had occurred, I think, after the settlement negotiations were well along their way.

Senator GURNEY. Excuse me, Senator.

Mr. HUME. In any case, she said that Mitchell had been told by Mr. Reinecke that there was a $400,000 commitment from the ITT Sheraton people to back the convention in San Diego. She said Reinecke reported to Mitchell that the commitment was made by Dita Beard. She quoted Reinecke as quoting the Attorney General as replying "hummph" or some words to that effect, indicating some negative feeling about her, or wonderment about how she could come up with such a commitment.

He went on to recount his conversation with Mr. Gillenwaters:

Mr. Reinecke is mentioned in the memorandum of Mrs. Beard's and also his being mentioned in my conversation with him at her home led me to try to reach him over the weekend of the 26th and 27th, I believe. I couldn't get any response out there except from the State police and I was not able to get a call returned from Mr. Reinecke until late Monday when Mr. Gillenwaters called me back. Then it was too late for me to talk to him. I was busy with other things.

I finally spoke to him on Tuesday morning when he again called. It was about a quarter to 12, I think. I was working on the column, material that we were using in the column that was going to be published on Friday. I was trying to place the date of the meeting that Mr. Reinecke had with Mr. Mitchell that Mrs. Beard had mentioned to me.

It seemed to me to be significant to find out whether or not the Attorney General had been informed of the $400,000 offer commitment before the settlement of the cases. So I was quite eager to get Mr. Reinecke's version of events and somewhat disappointed that I was not able to reach him personally.

However, as it turned out, Mr. Gillenwaters had been at the meeting in question. When I spoke to Mr. Gillenwaters he had no problem with his memory at all. Mr. Reinecke in the statement that he issued, as I saw it, and I may have gotten a garbled copy of it, I understand that he claimed the difference between what Mr. Gillenwaters and he, himself, had said on the fact he was trying to remember something when he was out of town and away from his files.

Mr. Gillenwaters was in Sacramento when he spoke to me and had a very clear recollection of it. The first thing he tried to make clear to me was that no antitrust matters had been discussed, that the ITT case hadn't come up at all, but it was a conversation about the convention.

I quizzed him about what the Attorney General's attitude toward having a convention in San Diego was, and he indicated that the Attorney General was somewhat skeptical of the prospect because members of the San Diego City Council had apparently expressed some dismay at the idea.

One of the things Mr. Gillenwaters said was quoting the Attorney General as saying, "If you can get it out there, more power to you." He said the Attorney General liked the idea of San Diego and he didn't need any persuading to come around to the view that having it in San Diego was a good idea.

I said, "Well, then, did you tell him about the ITT commitment?" And he made a distinction between ITT and Sheraton and said they discussed it more in terms of ITT-Sheraton than ITT, but, nevertheless, he said, "You bet," when I asked him if indeed the Attorney General had been informed of this willingness, as Mr. Gillenwaters described it, of ITT-Sheraton "to stand in for the $400,000, if necessary."

"You bet," he said. It was clear to me from that conversation, or it seemed clear to me, anyway, that this must have been a conversation that occurred before the August meeting in Denver, in which the convention site was selected.

Mr. Reinecke, as you know, has come out and said the only time he discussed the convention with the Attorney General was in September. If that is true, it seems very unlikely that the conversation that Mr. Gillenwaters described to me could ever have occurred because it would have been totally illogical for Mr. Gillenwaters or Mr. Reinecke to be sitting around in Mr. Mitchell's office in September speculating about whether or not the convention was going to be in San Diego when in fact it being in San Diego was already sewed up.

A few days later, reporters began questioning Mr. Reinecke.

Now, this is after Mr. Gillenwaters had talked to Mr. Hume and had indicated to Mr. Hume that in fact they had met with Mr. Mitchell prior to the time that the convention had been located in San Diego.

A reporter for the Sacramento Bee, a daily newspaper in the State capital gave this account of Mr. Reinecke's statement:

I discussed it with the Attorney General," Reinecke replied. "Whether I was the first one or not I didn't ask him.

But we did discuss it and he was very pleased to see the progress we'd made, not just with Sheraton but with getting the City and the county to come around (with more money), because the President had indicated apparently to him—never to me—that he would like to see it come to California, and so this . . . in other words, we were doing what they wanted to see done, and so they were delighted to hear it.

At about the same time, within a day or two, Ben Shore of the Copley News Service, reporting for the San Diego Union, called Mr. Reinecke and was told an identical version, that Mitchell had been informed in May of the ITT offer of $400,000 if the convention was brought to San Diego. He reported the conversation as follows:

California Lieutenant Governor Edward Reinecke told Copley News Service in a telephone interview last night that he had informed Mitchell of the ITT pledge during a visit to Washington in May.

Reinecke began working in April to see if the convention could be attracted to California. He said he called the Republican National Committee and was told that the Committee would be interested in a bid from California.

Reinecke, who said he had known Mrs. Beard since he was a Congressman in Washington, contacted Mrs. Beard about ITT financial support to the bid. He said he assumes Mrs. Beard played a major role in assuring Sheraton's officials—

And so forth. He goes on to say:

but he did say he informed Mitchell when they met on other matters around May 17.

In other words, Mr. Reinecke very clearly stated that he met with Mr. Mitchell in May and told him all about ITT's pledge, approximately 2 months before the Justice Department decided to give ITT the great break that they wanted, which was the settlement of their antitrust cases allowing them to keep Hartford Fire Insurance Company, which is the money machine that they wanted to begin with.

And Robert Walters of the Washington Star reported his conversation with Reinecke—now, this is the third conversation with Reinecke—as follows:

But Reinecke, in a telephone interview from his office in Sacramento, says that when he was in Washington last May 17–19 to promote San Diego as the convention site, he visited Mitchell at the then-attorney general's office in the Justice Department.

"He (Mitchell) is my input to the political arm of the administration, so I touched base with him," says Reinecke. "On one of those three days—don't recall which I did meet with him because I was working hard to get the convention in San Diego."

"Working hard to get the convention in San Diego," Mr. Reinecke is quoted as saying:

In talking with Mitchell "to report on our progress," Reinecke says he gave the attorney general a complete report on the efforts to have San Diego selected as host city for the convention. Included in that briefing was a discussion of financial arrangements, according to Reinecke.

Asked if that included a discussion of ITT's financial commitment, Reinecke said: "Yes, we discussed it. That was part of the package we were offering to the party."

Reinecke also recalled that he had the impression during the meeting that Mitchell might have been informed about the ITT financial pledge even earlier by Rep. Bob Wilson, R.-Calif., whose congressional district includes San Diego.

It is absolutely remarkable how Mr. Gillenwaters and Mr. Reinecke independently shared a common recollection of the meeting that was had with Mr. Mitchell, the key factors being that they were trying to get the convention to San Diego, that they discussed the $400,000 commitment of ITT to the city to get the con-

vention to San Diego, and that this all took place during a period of time that the Justice Department was trying to decide what to do with ITT, whether they were going to press ahead with litigation on the three antitrust suits, or whether they were going to make a comfortable little deal, settle the case out of court, and give ITT what it wanted most of all: Hartford Fire Insurance.

We all know what happened. We all know they settled out of court, and ITT got Hartford.

And finally, Mr. Reinecke repeated the same story to me personally.

But then there was the phone call from someone—someone who was close enough to John Mitchell to know who he met with at any time of the day or night and what was discussed, saying "check your records," and the whole thing came unglued.

If any Member of this body needs an example of why this nomination should go back to the committee, I submit that record.

I talked with Mr. Reinecke on May 3 at about 1:40 Washington time, which made it about 10:40 California time, and I asked him if he remembered having a conversation with Mr. Mitchell.

He said, "Yes."

I asked him if he remembered when it was.

He said, "Yes, it was in May."

I asked him what transpired in the meeting, and he said, well, that he was acting as a supersalesman for the State of California, a member of the chamber of commerce, that he was trying to get the convention to San Diego, and that is why he saw Mr. Mitchell.

Within an hour and a half of the time that Mr. Reinecke told me he was acting as a supersalesman, trying to get the convention for San Diego, and had met with Mr. Mitchell in May, and had discussed the ITT offer of $400,000, he calls a press conference in Sacramento and changes his story. What intervened? One thing that intervened, clearly, was the mysterious telephone call. No one knows from whom it was. Mr. Reinecke's secretary did not ask who the call was from.

I do not know how gullible people feel a Senate committee is. But you have to be naive in the extreme to believe that the secretary of a Lieutenant Governor would not ask who the caller was, when a call comes in shortly after several newspaper reporters have questioned the Lieutenant Governor about a meeting with the Attorney General in May and the caller says, "Check your records, because your records don't conform with the Attorney General's records." How dumb do they think we are?

It seems clear that for the Senate to confirm the nomination of Mr. Kleindienst on the basis of this record would be preposterous, particularly when Mr. Kleindienst has indicated very clearly to the Senate—to our committee—that under no circumstances did he want his nomination confirmed unless all the clouds had been removed.

REINECKE AND MRS. BEARD

There are additional conflicts in testimoney under oath. There is the direct conflict in sworn testimony between Mr. Reinecke and Mrs. Beard about the origin of the convention plan.

Mrs. Beard, told the committee under oath that they began working in January or February of 1971. I read from the transcript of the record:

Chairman HART. Well, who was it that made the suggestion to you?

Mrs. BEARD. Some people in California, Ed Reinecke and his aide, and not—I have known them. They are very, very close friends. Heck, I have known Ed Reinecke since he was in candidate's school, and I don't know whether it was his idea or whether—I really didn't ask any questions. He said, "This is in utter confidence. We don't know whether there is a chance in the world. You know San Diego. Can you look it over and find out if your own hotel will be built in time, because rooms are going to be difficult?" So I did. My own company didn't even know what the heck I was doing. I was out in San Diego counting rooms, meeting with Ma and Pa operations, and we had at the time at the Sheraton one of the finest managers I had ever known at any hotel, Gary Seland, who happened to be the assistant manager of the Blackstone in Chicago in 1960, and a tremendous help, having been through a convention, and the dangers thereof and so forth, and he and I just quietly went around counting rooms and realized that, you know, transportation, everything, and realized that extra 700 rooms that we were going to have in our hotel would make the difference.

Chairman HART. Well, about when was the suggestion made to you by Mr. Reinecke?

Mrs. BEARD. Either January or February of last year, sir.

Chairman HART. And was the aide whom you have not named Mr. Gillenwater?

Mrs. BEARD. Yes, I'm sorry.

Chairman HART. And where, if you recall, was the suggestion made to you?

Mrs. BEARD. We had lunch at the Carlton Hotel, sir.

Chairman HART. In Washington?

Mrs. BEARD. In Washington.

And again, under oath, she repeated the explanation:

Chairman HART. Senator Cook.

Senator COOK. Thank you, Mr. Chairman. Mrs. Beard, this morning you indicated that the suggestion relative to San Diego was brought up by Ed Reinecke to you and it was in the nature of a confidence and he indicated to you that it was as such and that apparently you should keep it to yourself while you are working on it, is that what you——

Mrs. BEARD. Yes, sir.

Senator COOK. Well, at that time and throughout your discussions with Mr. Reinecke and up to the time of the memo, to the best of your recollection, how many people do you know of your own knowledge that were aware of the work that you were doing in regard to San Diego and the work that you were doing with regard to I.T. & T.'s contribution to San Diego?

Mrs. BEARD. As far as I know and through me, no one.

Senator COOK. Other than whom, now?

Mrs. BEARD. Reinecke and Ed Gillenwater.

Senator COOK. And no one else?

Mrs. BEARD. Absolutely. I was out of California a lot anyway and I never mentioned to anybody—the hotel didn't look like it was going to get built in time to go through the Pearly Gates. Up to that point, there was no reason to mention it and I was told not to and I did not. At the time when Reinecke first mentioned it, as I said, I was into it only because of the hotel and the fact that we were old friends.

Twice more she repeated the same story under oath. First:

Mrs. BEARD. Now, that is a misleading sentence, which I shouldn't have written the way it is, because I did not know from the first time I talked to Ed Reinecke—I did not know to whom he had spoken, when, how or if. He had simply told me that these are the people, the only people who would be aware of our attempt to take the thing to San Diego until after the site selection committee met in Denver.

Senator KENNEDY. When did he tell you that?

Mrs. BEARD. On the first meeting.

Senator KENNEDY. When was that?

Mrs. BEARD. January or February. I don't remember. He came in to Washington and said, "I need your help on something of the utmost confidence."

Senator KENNEDY. Did he say he was going to or that they had talked, that they were aware of these negotiations which you were involved in?

Mrs. BEARD. He told me only. "This is very confidential. Nobody is discussing it. We know we can have faith in you. Do not talk to anybody about it. At some point eventually these will be the people who will be involved with it." But he did not say clearly or distinctly that he had spoken to any one of these people. In fact, I rather imagine he had not, but when he tells me it is in complete confidence, I don't ask questions I don't need to know answers to.

And second:

Senator KENNEDY. So, besides the manager of the hotel, you were in touch with Mr. Reinecke? Was he the contact with the Republicans or——

Mrs. BEARD. I did not see much of Ed after that. We had our first talk about it. I hate Miami. You will never get me back there, even to bury me, so another reason to take this thing to any place—you know, Houston and Texas in August and Miami in August, uh-huh, so the actual—Gary Seland, the then manager of the Sheraton Inn, very, very clever boy, he had been through two or three conventions. He got the motel and hotel association people together and, as a newcomer to San Diego, more or less, he was having these various meetings. "Well, how many rooms do you have?" It was handled very cleverly, I think, I went with him on many occasions. We had lunch with various managers of various motels and hotels. I looked over the arena, because I still don't see how they are going to have a convention in the arena, but—and there was a question of the acceptance speech, the stadium. The lighting would be so poor. There are a lot of things that haven't been resolved, but through Gary Seland—and he was the only person in San Diego, the only person in ITT who knew what we were up to, and I saw Ed Reinecke very, very rarely.

Senator KENNEDY. Well, with the exception of Gary and your one conversation with Mr. Reinecke in January——

Mrs. BEARD. Yes.

Senator KENNEDY. Everything else, so to speak, you were on your own? You didn't have any other conversations with either Mr. Reinecke, with any other spokesman for the Republican Party, or for anybody else from ITT? You just went out with Gary?

Mrs. BEARD. I was ordered there for other business, anyway, so I was—and Ed didn't know I was working for the convention. He didn't know that until the 12th of May.

And so on and so on. There is no question about Mr. Reinecke's relationship with Mrs. Beard.

Similarly, Mr. Hume, in reporting his conversation with Mrs. Beard, corroborated this version at a time before it had been placed in question, in fact even before Mrs. Beard testified. Hume said:

I wanted to mention also, and I don't

know if I made it clear earlier, that she indicated she had begun to deal with Mr. Reinecke on this convention as far back as January. It was an idea that they both had or he had and approached her and got her interested or vice versa.

Yet Mr. Reinecke's testimony was that he had never talked to Mrs. Beard in January or February, that he never met with her at that time and that the convention idea sprang up in an entirely different way:

Senator TUNNEY. In January, did you meet with her?

Mr. REINECKE. No, sir, I have a policy, having lived here for 4 years, not to come to Washington in January or February.

Senator TUNNEY. Did you meet her on two other occasions in 1971?

Mr. REINECKE. I recall having lunch with her.

Senator TUNNEY. Do you recall that month?

Mr. REINECKE. That was the May trip because my wife was along; and that was May of 1971 it showed on our——

The CHAIRMAN. Identify yourself for the record, both of you.

Mr. REINECKE. Ed Reinecke, Lieutenant Governor of the State of California. I apologize.

Mr. Gillenwaters?

Mr. GILLENWATERS. Yes; I am Edgar Gillenwaters, director of Commerce for the State of California.

Mr. REINECKE. Yes. It would have been one of the open lunches on the May meeting which would have meant the 17th or possibly the 18th. I don't have that specific detail; one of those dates right in there. And our third meeting was when the site selection committee and the entire executive committee met in Denver in the third week of July 22 or 23, I believe it was.

Senator TUNNEY. When was the first discussion that you had about the possibility of bringing the Republican Convention to San Diego?

Mr. REINECKE. In April.

Senator TUNNEY. April. With whom, do you recall?

Mr. REINECKE. Yes. I was back here for reasons of economic development and while we were here there was a social reception that was attended by a large group of people from San Diego who happened to be in town on their own, for their own reasons; but at the same time I think they were chamber of commerce people and we discussed the possibility at that point. That was where the idea really hatched.

Senator TUNNEY. Was that, you say, in a hotel here in Washington?

Mr. REINECKE. No; I believe that was at the National Republican Committee Headquarters on Capitol Hill.

Senator TUNNEY. Was Dita Beard present?

Mr. REINECKE. No; I don't believe so.

He reported the denial of any contact in January or February two more times during the course of the hearings, denying any contact between himself and Dita Beard at that point in time.

First:

Mr. Reinecke, I am wondering if you could tell us about a meeting that you had at the Sheraton-Carlton Hotel with Dita Beard?

Mr. REINECKE. It was a lunch.

Senator TUNNEY. Was that in April or was that earlier?

Mr. REINECKE. That was May; that is when my wife was there so that was in May.

Senator TUNNEY. Mrs. Beard stated in Denver when the subcommittee went out to question her, in answer to a question by Senator Hart:

"Chairman HART. Well, about when was the suggestion made to you by Mr. Reinecke?

"Mrs. BEARD. Either January or February of last year, sir.

"Chairman HART. And was the aide whom you have not named Mr. Gillenwaters?

"Mrs. BEARD. Yes, I'm sorry.

"Chairman HART. And where, if you recall, was the suggestion made to you?

"Mrs. BEARD. We had lunch at the Carlton Hotel, sir."

But you are saying that Mrs. Beard's recollection of that was inaccurate? It was not in January or February?

Mr. REINECKE. I know I was not in Washington in January or February.

Senator TUNNEY. What did you discuss with Mrs. Beard about the convention? Can you give us the details of that discussion?

Mr. REINECKE. I really don't recall the specific discussions at that point, Senator. We always ran the gamut of what's new on the Washington scene, what's new in the social circles.

Second:

Senator HRUSKA. When did you first conceive of the idea of attracting the Republican convention to San Diego?

Mr. REINECKE. In April at the reception held at the National Committee Building, April 27.

Senator HRUSKA. With whom did you discuss it at that time?

Mr. REINECKE. It was a general cocktail function, Senator. There was no speech; there was no organized meeting; no one spoke out in behalf of it. We discussed it as a seed of an idea and it gathered enthusiasm and I accepted the responsibility to carry it forward from them.

Senator HRUSKA. Do you recall the first occasion you discussed it with Mrs. Beard?

Let me back up. Did you discuss it with Mrs. Beard?

Mr. REINECKE. Yes.

Senator HRUSKA. When was that?

Mr. REINECKE. It would have been the next time I saw her, which was when I returned to Washington again in May at that luncheon.

Senator HRUSKA. You have already recounted that, haven't you?

Mr. REINECKE. Yes, sir.

So, on the record, there is a flat and direct contradiction between Mrs. Beard's version and Mr. Reinecke's.

Mr. President, the point simply is that Dita Beard was very clear she had discussions with Mr. Reinecke in January or February, or at least at the point prior to the time there was the settlement of the antitrust cases and that, as part of the discussion, Mr. Reinecke was most interested that they keep the thing quiet. They wanted to get the convention in San Diego but did not want a lot of publicity about it.

It seems that if we tie in the dates Mrs. Beard gave under oath, in meetings or at least in conversations having taken place in January or February, with Mr. Reinecke's and Mr. Gillenwaters' first statements to the press, to me, and to others, that they met with the Attorney General in May and that they discussed the $400,000 at the time ITT was going to make it available to the Republican Convention in San Diego, 2 months prior to the time the ITT case was settled, we begin to get the scenario of what in fact took place: The fact that, in all probability, what ITT really wanted was the message to go out to the Justice Department that they were good friends of the President and that they were making a substantial offer to bring the convention to San Diego in order to curry some favor.

That is the only way I think one can look at it. I think the record of the hearings demonstrates there is substantial evidence to back up that supposition.

Mr. President, I have indicated some of the inconsistencies which were laid out in the RECORD during the course of our hearings.

I must say that in the 6 years I served in the House of Representatives and in the 2 years I have been in the Senate, I have never seen so much in the way of inconsistent testimony before a committee. I think it could be really said to almost be a question of making a mockery of the Senate investigative process. That is why I feel, by the way, so strongly that the Department of Justice ought to have the entire hearing record referred to it with the request that it report back to the Senate in 30 days with an indication of what action should be taken against those people who, under oath, made statements which conflicted with other sworn testimony.

If we are not going to have the Senate Judiciary Committee held up to public ridicule as a result of all of those inconsistent statements under oath, it seems to me to be clear that the Senate should demand that the Justice Department investigate the record and take appropriate action against those witnesses who did not tell the truth.

III. GENEEN AND THE $400,000

Harold Geneen told the committee that ITT's commitment was never for $400,000—that it never exceeded $200,000:

Three. The ITT commitment to the San Diego Convention and Tourist Bureau in response to their solicitation was for $100,000 in cash plus a contingent additional $100,000 in cash if other businesses in San Diego committed a further $200,000. This was the final commitment made in a telegram to the San Diego Convention and Tourist Bureau—prior to the decision on the site selection, and it was made clear at that time that this was our total commitment. ITT has no other commitment.

Senator KENNEDY. Mr. Geneen, you, in response——

The CHAIRMAN (presiding). Wait just a minute, please. The Chair is going to appoint another member of the subcommittee to interview Mrs. Beard. It will be Senator Burdick.

Senator KENNEDY. You indicated the amount of the ITT commitment was $100,000 with a possibility for an additional $100,000; is that correct?

Mr. GENEEN. It was $100,000 conditioned that it be Presidential headquarters, Senator, plus an additional $100,000 to match what they would be putting up—$200,000 at least.

Senator KENNEDY. So do I understand you that the most the commitment would be $200,000?

Mr. GENEEN. At the most if those conditions were met.

Senator KENNEDY. Where do you think everyone, like Congressman Wilson, who is very much involved in the negotiations, as I understand, got the idea of $400,000?

Mr. GENEEN. Well, I think I covered that, Senator, in the statement yesterday. I said this thing was brought up to my first knowledge—we were out during our annual meeting at a party we gave, and dinner party, for about 70 people, and we were enthusiastic about it, but I didn't figure any kind of a figure was a commitment. He was talking in

terms of the use of the hotel rooms, which may not be otherwise used; and we talked in general terms. I don't remember a figure of $400,000 by any means. But in any event, before the site selection made its bid for the convention, we sent a telegram to the San Diego Tourist and Convention Bureau, care of Congressman Wilson, which spelled out clearly what our total commitment was, and it was in writing and that is the only commitment that we have.

Later Mr. Geneen went on to give another confirmation that the only figure was $200,000. I read the testimony:

Senator KENNEDY. Last week's Washington Star cites an August 5, 1971 joint announcement of Leon Parma and Bob Wilson, using the $400,000 figure. Then there was a press conference statement by Republican National Chairman, Senator Dole, just 2 days ago, Friday, in which he used a $400,000 figure, and Mr. Wilson also reiterated the $400,000 figure in the San Diego Tribune the first week of March. So, he certainly has been involved in the whole deal, and they are off by approximately a hundred percent. Is there any way you can help us on why that is so?

Mr. GENEEN. Let me say, Senator, I am equally confused and I think the action we took, which was the fortunate one to be taken in view of all this, was to put our offer in writing at the time we did and specified exactly what it was and it was purposely to stop all this nonsense but strangely enough, even having done that it keeps going on. I can assure you there is no basis beyond that amount.

Senator KENNEDY. Could the reason it keeps going on be because this $400,000 figure was discussed or talked about, or $600,000?

Mr. GENEEN. I do not even remember a figure of $600,000 and I do not remember a figure of $400,000. Back in May when we were talking, they were talking, this was a casual conversation at Denver as I described it, and there was some talk about trade and use of rooms and, as I said, somewhere, in one of the inquiries that were raised, a hotel figure buying advertising on due bills, for example, 30 percent of the face value was its cost, but none of these represented in our mind commitments and none of them represented pledges. These are the words which have been used and in my mind if we were committed we certainly would not have been able to write the telegram in the way we did and the amounts we did, so we have absolutely no question in submitting that report, I mean, that telegram, as exactly what we did because it represented what Sheraton felt they could afford to do.

I think I mentioned this morning that it was and is a good business investment for them on that basis.

But virtually every other witness we had spoke of $400,000, including Congressman BOB WILSON, the person who apparently held the whole deal together. WILSON said:

We kicked around the idea of my going to leading businessmen and getting commitments from them and putting together a bid package. He then suggested if I would take the lead he thought Sheraton would underwrite up to $300,000 and would, of course, be willing to actually commit for their fair share of the total amount of money needed. I told him I thought it would not be difficult to put a bid together quickly. He then told me he would see that they backed me personally for half the total amount needed, which would be $400,000. There was no written agreement, not even a handshake, but my personal knowledge of Mr. Geneen satisfied me as to the integrity of his guarantee. I assured him we could soon work the underwriting down to a reasonable figure as far as Sheraton's obligation was concerned. Within the next few weeks I worked with a number of local citizens, plus Lieutenant Governor Reinecke, persuading the Hotel Association, the Convention and Visitors Bureau, and the city and county that the convention was a double thing if we all worked together quickly and positively.

And in a taped interview which WILSON gave to a San Diego reporter, and which he confirmed was accurately transcribed, which statement was confirmed by an earlier statement made in May, and which was inserted in the RECORD, WILSON said:

They had then bought another hotel—The Ramada Inn—so they were going to end up with three hotels, and I said, "I talked to Bob Finch this morning and he told me if we could raise 800,000 dollars locally, we had a chance to at least bid and get the convention here, and if we could get the convention here, this would be a great—the best publicity for San Diego coming of age as far as the major conventions." And he said, "Well, why don't you do it?" and I said, "Well, I you know, in the first place we've got to get the bid in within a matter of days." He said, "Look, if you'll check and get some local support, I'll guarantee you up to 400,000 dollars of that 800,000 commitment"—he said 300 first, but he and Bud James talked about it and they said, "We will guarantee you half of it if you'll get others to come in so that, you know, reduce the amount that we put up." So I went out and I talked to another hotel owner and others and I was assured that there would be some substantial local support. So I stuck my neck out and said, "I'm assured of at least half of that 800-thousand dollars." So the Convention and Visitors Bureau got into it and said, you know, that they thought the city could put up some money, the county could put up some money and we went before the City Council and got a civic committee going with Leon Parama as chairman and got the bid.

The point, of course, is clearly that Mr. Geneen stated under oath that he had never made a commitment of more than $200,000, and Mr. Wilson under oath indicated that it was $400,000. Although there was a considerable amount of fudging, it seems clear that Mr. Geneen was very embarrassed by the fact that there had been wide-scale publicity given to the incredible offer that ITT-Sheraton had made to San Diego to have the convention in San Diego at the very time they were having an antitrust matter settled by the Justice Department.

I would like to explore that for a moment. I do not know what is considered to be normal business practice in this country, but it would seem to me to be highly questionable if it were the normal business practice for a corporation to make a substantial pledge to a city to bring a political convention to that city if the party that was holding the convention also happened to be the party in power in the White House, the party in control of the Justice Department, and the party that was deciding whether or not antitrust litigation should be pursued, or whether it should be settled.

I think that any such practice is unethical, and I cannot believe that it is general practice. In the specific case of ITT it seems to me to be an outrage. If we have learned anything during the past several years it is that the American people are sending a signal to their political leaders that they are sick and tired of the big boys always getting their own way; they are sick and tired of dishonesty at the highest levels of government, and they want people to be honest and they want a complete ventilation of the political processes. One of the things they do not want is a situation to exist where a corporation is having antitrust matters determined and adjudicated by the Justice Department while at the same time that corporation is pouring tens of thousands of dollars into a political slush fund to get a political convention to a city which happens to be the choice of the highest officials of Government.

I personally am deeply disturbed by the relationship of ITT to the Republican National Convention at a time that the Justice Department was making a major decision as to the future of ITT and its mergers with Grinnel Canteen Corp. and Hartford Fire Insurance Corp. It just is the worst possible business to bring to the American people and say, "This is the way things get done in Washington. If you are big enough, if you are rich enough, if you are powerful enough you get to see anyone you want to see and to get things taken care of. But if you are an average American citizen you have to live in a situation knowing of the miles and miles of redtape and the layers and layers of bureaucracy that will keep you from getting a decision in your case." In essence, this is what the ITT case is all about: That there is one rule of law for the privileged and another for the unprivileged in this country.

Mr. President, I yield now to the distinguished junior Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. Mr. President, I thank the Senator from California for yielding.

Mr. President, there cannot be any question that the President of the United States is entitled to a wide degree of latitude in the selection of his Cabinet. But if the Senate's constitutional duty to "advise and consent" is to have any meaning, a line must be drawn, that latitude delineated.

I am troubled that Mr. Kleindienst does not bring to the office of Attorney General of the United States professional attainments equal to the demands and stature of that high office. It disturbs me that the President has not sought out a wise and sagacious counselor to occupy an office which in history has been close to his own. I find nothing in the RECORD to suggest that Kleindienst will ever acquire a vision and a stature which transcend the rush of events and the expediencies of partisan politics. His record in the law and in politics is not distinguished. But I do not oppose him for those reasons, nor because his philosophy, if he has one, is alien to my own. I oppose him because his conduct has raised doubts about his character and his integrity. That is where I draw the line.

Only one foundation sustains our free self-governing system. It is a foundation of trust and confidence in the legitimacy of our public institutions. The appearance of misconduct within those institutions erodes that foundation as effectively as misconduct itself. It cannot be tolerated.

Mr. Nixon seemed once to say that the

suspicions about the integrity of Mr. Kleindienst would not be tolerated. He pointed out that Kleindienst sought the renewed Judiciary Committee hearings and, he said:

> We want this whole record brought out, because as far as he is concerned, he wants to go in as Attorney General with no cloud over him.

Mr. President, that cloud has not been dispelled. It hangs heavy and dark over Mr. Kleindienst. It broods over the Justice Department and this administration.

Efforts were made to dispel the cloud. Hearings were held. Several additional witnesses were heard by the Judiciary Committee—Dita Beard, Peter Flanigan, Harry Steward.

But the cloud of doubt about the professional ability and character of Mr. Kleindienst is darker than before.

On April 6 the Judiciary Committee agreed that it was "clearly necessary" to call 19 more witnesses, but by the close of the hearings on April 27 only 12 of those 19 had been heard—and it was only after inordinate obstruction by the White House and the threat of the nominee's defeat that Mr. Flanigan testified. Even then, when Mr. Flanigan did appear, his testimony was so circumscribed as to render it meaningless.

Other White House figures did not testify. A central figure in the entire investigation, Dita Beard, testified for only 2 of a scheduled 9 hours, and that limited testimony served only to raise new questions and new doubts. The White House and the Justice Department, under the blanket of "executive privilege," refused answers to interrogatories and denied the committee access to pertinent documents.

The cloud has not been dispelled. One newspaper has preferred a different metaphor than the President's "cloud." It has called this affair "the dismal swamp of American politics."

Neither analogy is a happy one, and neither suggests an auspicious beginning for a man as the Nation's chief steward of justice. And so, given the President's refusal to withdraw the nomination, and the inability of the Judiciary Committee to give us the truth, I must urge the Senate to recommit the nomination to the Judiciary Committee with an understanding that the committee will get the facts, that it will dispel the cloud or get to the bottom of the swamp. Then let the committee come back to us again and tell us its judgment. In the meantime, if the President wishes, he can still withdraw the nomination.

Should the Senate recommit the nomination, the Judiciary Committee would have another opportunity to reflect on Mr. Kleindienst's fitness to be Attorney General and the standards of fitness for the Nation's chief law enforcement officer. I do not believe a man is qualified for any public office, let alone Attorney General of the United States, simply because he is not guilty, or has not been indicted or convicted. More ought to be demanded of us. More is demanded of us by a people already doubting the impartiality and competence of its Government.

The Attorney General is the chief law enforcement officer of the United States. In the pledge of allegiance schoolchildren, and all of us, reaffirm our dedication to justice in this Nation. And in large measure the responsibility for justice reposes in the Attorney General.

It is not much to ask of a President that he find in this vast country an Attorney General whom the people can trust. It really should not be too difficult for the President to find someone to serve as the Nation's chief law enforcement officer whose reputation is above reproach, whose character is beyond suspicion.

Given that standard of conduct and the deservedly high expectations of the people, how does Mr. Kleindienst measure up on the present state of the evidence?

The appearance of misconduct is substantial. He is not the victim of an isolated or insubstantial accusation.

There is Kleindienst's conduct in the case of Robert Carson, who has been convicted and sentenced in a Federal court for perjury and conspiracy to commit bribery. Kleindienst had known Mr. Carson as a prominent Republican fundraiser when on November 24, 1970, Carson came to Kleindienst's Justice Department office and told him that, "he had a friend in New York who was in trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 to 100 thousand dollars to the reelection of President Nixon."

That was after Mr. Nixon's election and, to say the least, a premature contribution for 1972.

Mr. Kleindienst did not accept the bribe, and testified he told Carson he could not help his friend. Kleindienst did not, however, report the bribe attempt until over a week later, on December 1, 1970, after he had seen a memorandum from the FBI to the Attorney General to the effect that Carson was under investigation for bribery and that electronic surveillance was to begin in Carson's office that morning.

Mr. Kleindienst has testified that at the time of the attempt he did not perceive it for what it was—a bribe. The most favorable interpretation of these facts is that a man who cannot tell a bribe when offered has been proposed for chief law-enforcement officer of the United States.

At the Judiciary Committee hearings, Kleindienst refused to explain his conduct further on the ground that his response might prejudice the Carson case. One can question Kleindienst's reasoning, given the facts that the jury verdict had been reached, the jury dismissed, the defendant sentenced, and the case already argued on appeal. But even if one accepts Kleindienst's quite questionable reasoning, one can only conclude that, given the state of the evidence in the Carson matter, Kleindienst's conduct was most improper.

Then there was the role Mr. Kleindienst played in the case of Harry Steward, the U.S. attorney in San Diego. An inquiry within the Department of Justice found that Mr. Steward had engaged in "highly improper" conduct by directly intervening to cancel a subpena to a potential defendant in a criminal investigation. The defendant was a personal friend and political benefactor of Mr. Steward, and the investigation was of an illegal fund-raising scheme during the 1968 Republican presidential campaign.

Despite this departmental finding, Mr. Kleindient issued a public finding of "no wrongdoing" and expressed the full confidence of the Attorney General in Mr. Steward. This statement misled the very public the Justice Department is supposed to serve, and the entire incident and Mr. Kleindienst's role in it smacks of impropriety.

A similar case, never examined by the Judiciary Committee, involves an advertising agency in Illinois with close ties to prominent Republican officials. The ad agency described its scheme in a letter dated February 10, 1964, as follows:

> If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter. We will send a duplicate of the invoice to you, and credit the—blank—campaign with that amount when it is paid.

In 1968 the Internal Revenue Service launched a tax fraud investigation of the advertising agency.

The case was referred to the Justice Department for prosecution in June 1969. It was still sitting in the Justice Department in March 1970, when the Internal Revenue Service asked the Department for a grand jury investigation.

There was no reply until June 1970, shortly after the resignation of Thomas A. Foran, a Democrat, who was U.S. attorney in Chicago at that time. The reply directed the IRS to drop the case.

Details of this case were reported in an article in the Chicago Sun-Times on November 3, 1970. I entered this article in the CONGRESSIONAL RECORD on March 24 of this year.

The Judiciary Committee has not investigated this case, but I urge it to do so. The role that Kleindienst played is uncertain, but the evidence suggests more impropriety within the Justice Department. Kleindienst was Deputy Attorney General. He cannot escape responsibility for the actions of the Justice Department on grounds that he was only second in command.

I am inevitably led to the morass known as the ITT affair, though I despair of synthesizing or describing any part of this sordid affair. But it is relevant to any inquiry into Kleindienst's conduct as Deputy Attorney General.

Before coming to Kleindienst's role, I must deplore the more general ethical situation posed by the case. One newspaper put it this way:

> There is the larger question . . . of how one of the world's greatest corporations could think it proper or publicly acceptable, while its fate was in the hands of a republican administration's antitrust department, for it to be secretly arranging to underwrite a large part of the Republican party convention. There is the other side of that qeustion, which is how a responsible government, or political party, could find no impropriety . . .

Senators BAYH, KENNEDY, and TUNNEY may have the honor of the understatement of the year when they relate

as their second finding in their individual views:

(2) There was a predictable and preventable appearance of impropriety in the acceptance of a gift of extraordinary size from ITT for the Republican National Convention at a time when ITT was seeking to settle a major antitrust suit under the nominee's control. Anyone who knew of both efforts in advance must bear full responsibility.

Kleindienst has maintained that he knew nothing of the ITT gift until about the time it became public knowledge; that is, in early December 1971. Some of the evidence on the record, however, suggests otherwise. In December 1971 Kleindienst maintained that the Justice-ITT settlement was being handled and negotiated exclusively by then Assistant Attorney General McLaren. After the hearings bared several meetings between Kleindienst and ITT Director Rohatyn, discussions on the ITT case between Kleindienst and McLaren, ITT attorney, Lawrence Walsh and Solicitor General Griswold, and a conversation with a neighbor-ITT official—Kleindienst displayed a phenomenal semantic agility. He maintained and still maintains that the settlement was handled and negotiated exclusively by Judge McLaren. He had only, he said, set in motion a series of events that led to the settlement.

This episode was not the first involving ITT. Three years ago Judge McLaren, the then Chief of the Antitrust Division, sought to block ITT's acquisition of the Canteen Corp. Attorney General Mitchell disqualified himself because his and Mr. Nixon's former law firm had represented an ITT subsidiary. Kleindienst took over. McLaren recommended that the Justice Department seek to enjoin the merger, but Kleindienst delayed action on McLaren's recommendation until it was too late to seek the injunction.

Other large companies with connections in the administration have fared equally well—or better. Elmer Bobst is a confidante and contributor of Mr. Nixon. He is also honorary chairman of Warner-Lambert which, like the ITT subsidiary, retains the former law firm of Mr. Nixon and Mr. Mitchell. As in the ITT-Canteen case, McLaren sought again to enjoin a merger before the fact—this time a merger between Warner-Lambert and Parke-Davis. Again Mitchell disqualified himself. Again Kleindienst took over. He talked to attorneys and representatives of Parke-Davis and Warner-Lambert. He said a Parke-Davis representative told him "that if this merger did not come about, Parke-Davis was going to get out of the research business." Parke-Davis denies it told him any such thing. Bobst admits that he lobbied the White House. As in the ITT-Canteen case, McLaren's original recommendation was rejected. No injunction was sought, and the merger went through.

It seems at this point that corporations with known financial connections to Mr. Nixon and Mr. Mitchell manage to resolve their antitrust difficulties out of court and in the shadows.

Mr. McLaren is a man of undoubted integrity and ability. He undoubtedly did his best to enforce the antitrust law—and that may explain his hasty departure from the Justice Department.

His nomination to the Federal district court was received unexpectedly in the Senate on December 2. On that same day, Mr. McLaren having come from Illinois, I gave my consent as junior Senator from Illinois to the nomination. The Senate Judiciary Committee gave the nomination favorable consideration and the Senate confirmed—all within 24 hours. The approval of the ABA committee on the judiciary was apparently obtained from Mr. Walsh of ITT on a few hours' notice during that 24-hour span.

Reasons given for this unprecedented action are that the district court in Chicago faced a backlog of cases, and that Judge Hoffman—whom Mr. McLaren was to replace on the bench of the Northern District of Illinois—was requesting immediate senior—or part-time—status. Also, since Congress was soon to recess for Christmas, immediate action on the nomination was supposedly necessary. I have found since that there was no appreciable backlog of cases. Two additional judges had been added to the district not long before and Judge Hoffman, before whom I used to practice and whom I have known well, is a notoriously efficient judge. He was ready to go on senior status when his replacement was inducted but did not expect his replacement to be inducted for several months. The quick action apparently caught Judge Hoffman unaware. He was ready to handle his caseload for several months more.

I still do not know the real reasons for Mr. McLaren's hasty departure from the Justice Department. Another doubt is undispelled.

Justice has been symbolized as a blind dispassion, but that has not been the public's understanding of the Justice Department in recent years. Even before the election of 1968, Mr. Nixon had made the department a partisan political issue. After his election he installed his chief political operatives as the chief officials of the department. We have had Mr. Mitchell as an Attorney General between tours of duty as a campaign manager, and unable to forget either his past or future political responsibilities. Recently another Assistant Attorney General, Mr. Robert Mardian, resigned to take part in Mr. Nixon's reelection effort. We have had the image of a Justice Department functioning as an arm of a political Presidency.

I do not claim that the Democrats in the past have been free of all guilt. But I do believe the past is no excuse for the present. And I cannot remember such a politicized Justice Department. These men do not deny their political roles. They speak at partisan gatherings. They advise the President on partisan matters. Their statements on the nonpartisan issue of crime and violence are partisan. Even the FBI crime statistics are interpreted for partisan purposes. Mr. Kleindienst has been an enthusiastic participant in this concept of "justice."

The matter goes much deeper than the suspicion of money changing in the temple of justice. If the Department of Justice is deeply tainted with the stain of partisan politics, then the faith of the people in the processes of justice will be deeply shaken. And when the people do not believe in the legitimacy of their institutions, they will not accept the authority of those institutions. What is at issue is not a matter of partisan advantage in one administration or another. The issue is whether, ultimately, our leaders will be able to lead, and our Government able to govern; whether the people believe those whom they elect.

How can the people trust an Attorney General who as a Deputy Attorney General publicly absolved a U.S. Attorney of any wrongdoing, while he privately acknowledged that the man's conduct had been highly improper? How can the people trust an Attorney General who is unable, or unwilling to perceive a bribe and report it? How can the people trust an Attorney General who plays semantic games instead of admitting that his words were easily capable of being misconstrued—words that in fact misled many?

At a neighborhood party, an official of ITT finds it easy to arrange a meeting between Kleindienst and a spokesman for the giant corporation.

What about the others in our society—the people who literally and figuratively are not invited to the party?

The executives and lobbyists of ITT encountered no obstacles when they sought access in the corridors of power. Peter Flanigan, one of the President's Assistants, has become known as an ambassador to big business. But who speaks for the people? If such a man exists, he is not yet so famous, perhaps because his achievements are less apparent.

The Justice Department should be free of partnership and speak for all the people. Many fear that it is becoming a fundraising branch of Republican campaign headquarters.

These are difficult days for men of conscience. These are days of fat political contributions and careless ethics. But before we accept the easy ethics of Mr. Kleindienst, we should remember Thomas Jefferson's statement:

When a man assumes a public trust, he should consider himself a public property.

It is with these words of Jefferson in mind that I approach the nomination of Mr. Kleindienst. During my brief tenure in the Senate, some of my hardest decisions have required a balancing of the President's right to choose men for high office and the Senate's responsibility to advise and consent. I have recognized the Presidential prerogative to choose those of his own persuasion if they be persons of undoubted intelect and integrity. I consented to the nomination of Mr. Rehnquist to the Supreme Court because I had no doubt about his character, intellect, integrity, and professional ability.

But I have such doubts about Mr. Kleindienst.

With the records of the Washington office of ITT shredded and activities at the Justice Department and the White House shrouded in secrecy, it will be difficult to ascertain the whole truth about Mr. Kleindienst. But suspicion will persist, and the erosion of public confidence in our public institutions will continue, unless the doubts that now exist are dispelled.

The "cloud" remains. To dispel it, either the President must withdraw the

nomination or the nomination must be recommited to the Judiciary Committee so that it again can attempt to get to the bottom of these many questions.

No citizen who cares deeply about his country and the integrity of its institutions can really hope that these charges are true. But we do not know the truth. The charges and suspicions cannot be swept under the rug by the administration or by the Senate without substantiating the public fears that the concept of equal justice has been corrupted by the Justice Department's willingness to recognize that some men and some corporations are more equal than others.

The Senate cannot perform its constitutional duty to grant or withhold its "consent" to the nomination of Mr. Kleindienst until it knows the truth. I, for one, will not vote to confirm the nomination of Mr. Kleindienst until the doubts about his character and fitness are dispelled.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. TUNNEY. Mr. President, I was very much interested in the remarks the junior Senator from Illinois (Mr. STEVENSON) just made. I thought his statement was a powerful one and all-encompassing.

I was particularly interested in one point that he made, about the possibility of the withdrawal of Mr. Kleindienst's name. It would seem to me that, as one of the ways, perhaps, we could best serve the interests of everyone, the President, as well as the American people, it would be appropriate for Mr. Kleindienst's name to be withdrawn.

Mr. Kleindienst indicated that he did not want to be confirmed as Attorney General if there was a cloud over his head.

It is clear, to my persuasion, that the 9 weeks of hearings we had did not dispel the clouds but, instead, have made them greater and, if anything, somewhat darker.

I would therefore like to ask the distinguished Senator from Illinois whether he does not think that it might be appropriate for Mr. Kleindienst to withdraw his own name.

Mr. STEVENSON. Mr. Kleindienst acknowledged, as the junior Senator from California pointed out, that he did not want to come into the office of Attorney General of the United States with a cloud over his head. The President quoted him before the country at one point and suggested that the maintenance of respect in the country for the law required that the Attroney General of the United States be beyond any suspicion or doubt about his character and qualifications for that office.

It suggests what seems to me ought to be the standard applied in this case. It is not enough to be innocent. It is not enough to be unindicted or unconvicted. I think that for any public office a man ought to be above suspicion, the very suspicion, the very doubt, the very appearance of misconduct. And the appearance of misconduct of Mr. Kleindienst was substantial enough to erode public confidence.

One way of dispelling all of the doubt and suspicion and to close this unhappy chapter would be, as the Senator suggests, for either the President to withdraw his nomination or for Mr. Kleindienst, if he feels as he said he did about the cloud over his head, to withdraw his own nomination.

The only alternative that I can see to a voluntary withdrawal of the nomination on the part of either the President or Mr. Kleindienst is for the Judiciary Committee to do this investigating and to get to the heart of the matter. Far more questions have been raised so far than have been answered. The cloud that the Senator mentioned is far darker today than it was in the beginning of the hearings.

The committee could continue to investigate the facts. And the facts might justify upon further investigation the dispelling of any cloud, and the Senate could then confirm Mr. Kleindienst.

The Senate would then be in a position for the first time to exercise its constitutional duty of advice and consent. I do not believe that we can exercise that right today upon the state of the record simply because we do not know what the truth is.

I would agree, in my final response to the Senator from California, that were the President or Mr. Kleindienst to withdraw the nomination, it certainly should not be difficult in this vast country, with the wealth of human resources and the legions of highly qualified men in the legal profession, for the President of the United States to find a man qualified to be our chief law enforcement officer. By that I mean a man whom all the people of this country can respect and trust, a man about whose impartiality and judgment and integrity there could not be the shadow of a doubt.

Mr. TUNNEY. Mr. President, I could not agree with the Senator more. I do not know what the able Senator's mail has been with respect to this matter. However, I can say to the Senate that I have received thousands of letters as a result of my participation in the hearings. These letters run approximately 6 to 1 against confirmation. This would indicate that there are many thousands of Californians—and I have received letters from other parts of the country as well, but mainly from California—do not have confidence in Mr. Kleindienst as a person who should be the chief law enforcement official of the country.

Like Caesar's wife, it seems to me that the Attorney General of the United States ought to be a man that is above suspicion. Perhaps, Mr. Kleindienst did not have any role in the matters of ITT for which a person could condemn him. I think from what we know now that proposition is highly unlikely, but we will never know unless we finish the job we started.

It may be felt by a majority of the Senate that we should not go ahead any further with the hearings and should not get at the bottom of what really happened and the whole truth of the matter. But I think the only proper reconciliation would be for Mr. Kleindienst to withdraw his name, because we have, it seems, a situation where an unstoppable object is coming into direct contact with an immovable object. The best way of avoiding a most difficult situation for the President of the United States and for the Senate would be for Mr. Kleindienst to withdraw his name and say that somebody else, of the thousands of people in the country who are highly qualified to be Attorney General, considering all of the circumstances, should be named by the President.

The Attorney General of the United States should not come into office with a massive cloud over his head. The nomination of a man to be Attorney General of the United States should not be the cause for thousands of letters to come from all over the country in opposition to his candidacy for the Attorney Generalship. I suggest that what he should properly do at this time is very simple—say, "I withdraw."

Mr. STEVENSON. The Senator mentioned the Steward case, the so-called San Diego case. There is evidence to indicate that a very similar case took place in my State of Illinois where it appears that an advertising agency in Chicago made arrangements with contributors to the Republican campaign that sums of money be treated as tax deductions. The advertising agency, according to this evidence, sent statements to the contributors stating that when the people prepared their tax returns they should claim deductions for political contributions.

The Internal Revenue Service sought an investigation. As a matter of fact, it sought a grand jury investigation. The Department of Justice, in the person of the former U.S. attorney for the northern district of Illinois, Mr. Foran, investigated. It is my understanding that he was prepared to move ahead to prosecute.

However, nothing happened from the beginning of this investigation in 1969 until after Mr. Foran's resignation in the spring of 1970. Nothing happened. As soon as Mr. Foran, who was a Democrat, resigned, the Department of Justice instructed the U.S. Attorney in Chicago to drop the case. This is a matter which bears great similarity to the facts which the Senator referred to in California. This case has not been investigated at all. The Committee on the Judiciary has not begun investigation of these circumstances. There are many other situations which bear examination, all of which raise doubts about the fitness of Mr. Kleindienst to be Attorney General of the United States.

My mail from constituents in Illinois is, like the Senator's, running 4 or 5 to 1 against the confirmation of Mr. Kleindienst. Throughout it all there can be detected a prevalent cynicism toward Government; people are ready to believe the accusations. They tend to confirm the

partiality of public institutions for the rich and powerful, the big corporations.

It seems to me that to fail to recommit the nomination of Mr. Kleindienst would be a great blow to attempts to restore some of that lost confidence in our public institutions. The people of this country do not expect the book to be closed nor the evidence brushed under the drug.

To refuse to consent to the nomination I think, would give people everywhere, in California, Illinois, and in every State of the Union, more confidence in Government and ultimately in the Department of Justice, and it would restore confidence in the Senate.

Mr. TUNNEY. I could not agree more with the distinguished Senator from Illinois. Anyone who has had the opportunity to read the hearing transcript on that segment of the hearings dealing with Mr. Steward in San Diego would have to agree that Mr. Kleindienst was personally involved. It was not someone else involved. Mr. Kleindienst was personally involved as Deputy Attorney General in conducting an investigation of Mr. Steward. Based upon the file that was prepared by the Criminal Division of the Department of Justice he made a decision to clear Mr. Steward of any wrongdoing despite the fact that we did not see the FBI file—the only person who read it was the chairman of the full committee—we had evidence that in the FBI file there were three statements that Mr. Steward stated before three investigators in San Diego at the time that he was preventing a subpena to be issued to bring a substantial campaign fund raiser, Mr. Thornton, before a grand jury. Mr. Steward said:

> Mr. Thornton got me my job as U.S. Attorney and he may get me a Federal judgeship. Therefore, I do not want him subpoenaed.

On its face, that is enough to have him dismissed from office if not criminally prosecuted. There were three sworn affidavits in the FBI file. We have one of those sworn statements in the hearing record from one investigator to that effect. We never were allowed to have their testimony, however. Instead, we had a refutation of the charges without hearing from the very witnesses who could have told us the truth. Any Attorney General who gives a clean bill of health to a man who has said what three affidavits reported Mr. Steward said should not be elevated to the post of chief law enforcement officer of this Nation.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. STEVENSON. Does the Senator suggest that where the evidence does not prove a personal involvement by Mr. Kleindienst in the case that he is not responsible for all activities of the Justice Department simply because he is only second in command?

Mr. TUNNEY. I am suggesting Mr. Kliendienst, as Deputy Attorney General, had a primary responsibility to monitor activities of U.S. attorneys, and when there are allegations of wrongdoing on the part of anyone it is the duty of the Deputy Attorney General to investigate those charges and make a decision on what is going to happen, either a clean bill of health or in the alternative the decision made to reprimand or dismiss from office, and perhaps, in some instances to prosecute.

I know that in the past there have been resignations on the part of U.S. attorneys who were charged with wrongdoing, and rather than to be dismissed they resigned. I believe even Mr. Kleindienst indicated during his tenure as Deputy Attorney General there was one such resignation.

But in the case of Mr. Steward I think these three affidavits we have in the FBI file charge him with very serious wrongdoing, but Mr. Kleindienst issued a press release completely clearing him of any wrongdoing whatever. What is revealing is that this was not simply a question of general responsibility for the Department of Justice; this was a question of his main responsibility. I think quite frankly he bungled it badly and having bungled it badly he should not be rewarded by being made Attorney General.

Mr. THURMOND. Mr. President, as a member of the Senate Judiciary Committee I had the opportunity to participate in the extended hearings conducted by that committee on the nomination of Mr. Richard G. Kleindienst to be Attorney General of the United States. When the Committee on the Judiciary first considered Mr. Kleindienst's nomination, following 2 days of hearings on February 24–25, 1972, the committee voted 13 to 0 to report the nomination favorably to the Senate floor. However, before the full Senate had an opportunity to vote on the nomination, Mr. Kleindienst requested additional hearings following certain allegations made in an article written by columnist Jack Anderson.

Mr. Kleindienst's good faith attempt to bring out the facts concerning Mr. Anderson's allegations resulted in the biggest political boondoggle in recent history. Twenty-three days of additional hearings were held by the Committee on the Judiciary concerning Richard Kleindienst's nomination to be Attorney General of the United States.

Finally, after an extended barrage of witnesses, both for and against Mr. Kleindienst, the Judiciary Committee again reported the nomination favorably to the full Senate by a vote of 11 to 4. The Committee on the Jundiciary concluded that there was no reason to alter their earlier recommendation that the nomination be confirmed.

Mr. President, I am of the opinion that Richard G. Kleindienst is eminently suited and qualified to serve as Attorney General of the United States. His intellectual accomplishments are rarely equalled. He was graduated from Harvard College in 1947, Phi Beta Kappa, and magna cum laude. He received his LL.B. from Harvard Law School, worked as a law clerk, and practiced law for 18 years.

Mr. Kleindienst is deeply religious and a man of highest integrity who is not afraid to express his views, even on the most controversial issues. He has, on occasion, spoken out on such issues as preventive detention of criminals and his opposition to legalization of marijuana.

Mr. Kleindienst is a brilliant and eloquent speaker, and has proven himself an eminently capable administrator. Throughout his distinguished legal career he has continually exhibited his ability to grasp legal issues and to analyze legal problems. His outstanding academic achievements show that he is intellectually capable of fulfilling all responsibilities of the position of Attorney General.

Since Mr. Kleindienst was confirmed by the U.S. Senate to serve as Deputy Attorney General, he has worked diligently and ably. His efforts have been most effective in the fight against both street crime and organized crime. Even though crime has not been eliminated, the past 3 years have shown substantial progress in slowing the rising crime rate in this country. As spokesman for the Department of Justice, Mr. Kleindienst has often stated that this fight will be carried on with determination and dedication.

In his position as Deputy Attorney General and Acting Attorney General, Mr. Kleindienst has become intimately aware of the multitude of problems which face any Attorney General. He has handled himself in an exceptional manner in these positions and I am confident he will continue to do so in the future.

Mr. President, after a record number of days hearing Mr. Kleindienst's nomination, the Committee on the Judiciary found no evidence of any wrongdoing on the part of Mr. Kleindienst. Many sinister allegations were made against him concerning the ITT affairs, but none were proven.

Mr. President, since I believe Mr. Kleindienst is a man of highest integrity and ability, I heartily endorse, and intend to vote in favor of, the nomination of Richard G. Kleindienst to serve as Attorney General of the United States.

Mr. BROOKE. Mr. President, again the Senate has been asked to advise and consent to the nomination of a man to an important and sensitive post. Again the record and qualifications of this nominee have been the subject of intense scrutiny.

This is as it should be. For it is the responsibility of the Congress, under our Constitution, to act as a coequal branch of Government in the appointment of men and women to important Government posts.

In this instance, the nominee has been designated to fill the position of Attorney General in the President's Cabinet. The nominee, Richard G. Kleindienst, has served as Deputy Attorney General since the Senate confirmed him for that position on January 29, 1969. In this capacity, Mr. Kleindienst has had considerable responsibility for the formulation of policy and the supervision of the day-to-day operations of the Department of Justice. It is therefore fitting and proper that current congressional inquiry into his qualifications should focus on his conduct while he served as Deputy Attorney General.

The initial hearings before the Judi-

ciary Committee on the nomination of Richard Kleindienst were concluded in 2 days. The committee unanimously reported in favor of his confirmation. Subsequently the hearings were reopened at Mr. Kleindienst's request, when a columnist's allegations raised questions about his credibility and fitness for higher office.

I have reviewed the hearings and the committee report with great care. I have searched the record carefully to determine whether, in fact, Mr. Kleindienst conducted himself while serving as Deputy Attorney General in a manner which would disqualify him for higher office. I find no evidence that would result in his disqualification.

In considering the appointment of individuals to position in the executive branch of Government, competence and integrity alone must be the standards by which they are judged. And only evidence of incompetence and impropriety should disqualify a nominee to an executive position from confirmation.

Such evidence is not available in the case of Richard Kleindienst. I will therefore support his confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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, I am about to propound a unanimous-consent request. I think I have touched bases with those most immediately concerned. The request I am about to make has the approval of the Republican leadership.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that on Thursday next, at the hour of 4 o'clock, a vote occur on the motion to recommit the nomination of Mr. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. Is there objection?

Mr. TUNNEY. Mr. President, reserve the right to object—and I shall not object—I would like to say, as one of those who plans to vote for the recommittal, and, if that vote should fail, plans to vote against the confirmation of Mr. Kleindienst, that I think it is appropriate that the Senate have the opportunity to express its will on the Kleindienst confirmation.

I have always felt that the purposes of this debate were to make clear to the Senate what Mr. Kleindienst's record was and what we developed and did not develop during the course of the hearings. I think we have been able to make that record clear, although there were very few Senators on the floor to listen to what we were saying and what we were attempting to bring about during the course of the debate. But I want to thank the leadership for their cooperation and their help in making it possible for us to have this agreement which, as I understand it, would be for a vote on recommittal at 4 o'clock on Thursday next, to be followed immediately thereafter, if it should happen that the recommittal motion should fail, by a vote up or down on the confirmation.

Mr. MANSFIELD. Yes. Mr. President, I add that to my request, so that the two will be considered together.

Mr. TUNNEY. I want to thank the majority leader, and I withdraw my objection.

Mr. TOWER. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Will the vote on confirmation immediately follow the vote on recommittal, if the vote on recommittal fails?

Mr. MANSFIELD. Yes.

Mr. TOWER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order to yeas and nays on both the motion to recommit and on confirmation.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on both votes.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, before the next motion is made, I think the Senator from California (Mr. TUNNEY) had made a request that had to do with the arrival of certain information that Senators were interested in getting in the last couple of days. Is that correct?

Mr. TUNNEY. Mr. President, I want to thank the majority leader for bringing this point up. At the time of our hearings a request was made of ITT, to Mr. Gilbert, the corporation's attorney to make certain records available to the committee. Mr. Gilbert indicated publicly during his testimony that he would make such documents available. Those documents have not been made available. When the staff of various Senators on the committee called Mr. Gilbert and Mr. Gilbert's representatives to get the documents to us in the time that we would have available for the purposes of this debate, so that we could inform the Senate what was contained in those documents before we voted on the nomination of Mr. Kleindienst up and down, he did not indicate when those documents would be made available. He delayed.

It now appears that the purpose behind his machinations is to frustrate the Senate in its responsibility here by refusing to make those documents available at all to the committee or to the Senate before the confirmation vote.

As one Senator sitting on that committee, I believe the Senate has a responsibility to make sure that Mr. Gilbert makes those documents available to us, as he indicated in open hearings he would. I think if the Senate lets ITT slip this one by on us, we are going to give a signal to every person in this country that if you are big enough, if you are rich enough, you can thumb your nose with impunity at the Government of the United States. So I make this request publicly on the floor of the Senate. It would be my hope that the majority leader would agree and look with approbation upon this request, so that Mr. Gilbert knows that when he does not return phone calls, such as he apparently is not returning one this afternoon, he is not going to be able to get away with it. That there are many Senators who are very deeply concerned about the matter and are hopeful he is going to be forthcoming and ITT is going to be forthcoming with the very documents they said in open public hearings would be made available to our committee and to the Senate.

Mr. MANSFIELD. Mr. President, I agree with what the distinguished Senator from California has just said. If such a commitment was made with the committee, I believe their commitment should be kept, because a man's word is worth something in the business world as well as in this body. I would express the hope that the request of the distinguished Senator from California (Mr. TUNNEY) is complied with and that the promise will be kept and that the documents will be forthcoming, so that the story will be placed on the record. I would say this if it applied to those on the other side as well as to those who have made the request, because I think a commitment, once made, should be honored.

Mr. TUNNEY. I thank the Senator for his statement.

Mr. President, I ask unanimous consent that at this point in the RECORD I may include a list of the documents that have been requested of Mr. Gilbert and ITT. Mr. Gilbert knows which documents they are. It is very clear. It is in the hearing record. In fact, Mr. Gilbert knows better than we do what those documents are because many of them we have not seen. We asked for the ITT documents in New York which were out of range of the ITT shredder in Washington. I think it also ought to be included in the RECORD of the Senate proceedings.

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

1. Memoranda or vouchers relating to Mrs. Beard's visit to the Kentucky Derby. These would include the alleged memorandum from Mrs. Beard to Gerrity indicating that she would see Mitchell at the Derby, and any memorandum reflecting activities or instructions she got thereafter. ITT counsel Gilbert told the Committee under oath that "we have found nothing but we believe we can find some vouchers which we do not yet have" (p. 1135). None have been supplied to the Committee subsequently.

2. Memoranda, correspondence, reports or other documents relating to Geneen's contacts with the 22 federal officials listed in the March 13, 1972 press release. These would reflect not only the subject of the conversations Geneen had on these occasions, but also possibly what Geneen expected from the officials he visited and what they later reported back to him. As to these, Gilbert promised under oath "when I get back to New York, at that time we will see if we can find anything there" (p. 1136).

3. Documents relating to Mrs. Beard's vis-

its to San Diego in 1971. These would show the frequency and purposes of her visits and would bring the relationship between her activities and those of other government officials into clearer focus. "We have none," said ITT's Gilbert "but we are checking for vouchers which probably do exist" (p. 1136). Vouchers were not, however, ever provided to the Committee.

4. Materials relating to contacts between ITT officials and White House officials regarding the location of the 1972 Republican convention or ITT support for the convention at San Diego. The relevance of these needs no elaboration. On these, Gilbert testified, "we have none in the District of Columbia, but we think there may be some and we will try to get the material if it exists in New York" (p. 1136). None have been provided to the Committee as of this date.

5. Material relating to the ITT Anticonglomerate Task Force, which would have been working towards effecting governmental policy towards conglomerates as well as on the ITT settlement. "We may have some," said Gilbert, "and we may have it today." That was on April 14. The Committee has not received it yet.

6. The original ITT job description memoranda of June 23–July 1, 1971, of which Mrs. Beard's second June 25 memorandum was one. Staff examination of copies furnished the Committee has raised serious question whether a second page of Mrs. Beard's memorandum existed but was omitted from what was submitted. These original documents have not been forthcoming.

7. The documents provided to the FBI by ITT for comparison with the Beard Memorandum.

Mr. TUNNEY. Mr. President, subsequent to the close of the hearings, members of our staff contacted Mr. Gilbert and he informed them that, although he had found some of the documents referred to above, he would not make them available to us.

Mr. MANSFIELD. Mr. President, before I yield to the deputy majority leader, I think I should say that if the recommittal motion fails and if the nomination of Mr. Kleindienst is confirmed immediately thereafter, it will be the intention of the leadership to call up the nomination of Mr. Shultz to be Secretary of the Treasury, and the others who would work with him.

## ORDERS FOR THE YEAS AND NAYS ON SEVERAL MEASURES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, as in legislative session, it be in order to order, with one show of seconds, the yeas and nays on S. 3442 and Senate Joint Resolution 206, both of which votes will occur tomorrow morning during morning business, and on Executive D, 84th Congress, second session, and Executive D, 91st Congress, second session, both of which votes will occur at a later time.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. What is that Senate joint resolution?

Mr. ROBERT C. BYRD. Senate joint Resolution 206.

Mr. JAVITS. What is that?

Mr. ROBERT C. BYRD. The infant death syndrome.

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

Mr. ROBERT C. BYRD. Then, Mr. President, I ask for the yeas and nays on all those measures.

The yeas and nays were ordered.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 6, 1972, he presented to the President of the United States the enrolled bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

## THE GERMAN MARSHALL MEMORIAL FUND

Mr. FULBRIGHT. Mr. President, June 5 was the 25th anniversary of the announcement of the European recovery program made by Secretary of State George Marshall. In a fitting memorial to this American initiative, Federal Chancellor Willy Brandt of Germany delivered a speech at the Marshall Memorial Convocation at Harvard University.

As an expression of special gratitude of the German Federal Republic, that Government has established a "German-Marshall Fund of the United States" as a memorial to the Marshall plan. The Federal Government will provide the Fund with 15 million deutsch marks to be paid over the next 15 years in installments of 10 million deutsch marks each year. The Fund will be administered without any influence by the German authorities and will be used to promote American-European study and research projects.

I personally was especially pleased to note the significance which the Chancellor attached to educational exchanges and the support which the Federal Republic has given the German-American Fulbright program. It is especially gratifying to note that the German Government has decided to increase its matching contribution to the Fulbright program from its present 2 million deutsch marks per year to 3½ million deutsch marks per year.

I ask unanimous consent that the full text of Chancellor Brandt's message be printed in the RECORD at this point.

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

THANKING AMERICA: 25 YEARS AFTER THE ANNOUNCEMENT OF THE MARSHALL PLAN

History does not too often give us occasion to speak of fortunate events. But here in this place a quarter of a century ago an event took place which could rightly be termed one of the strokes of providence of this century, a century which has not so very often been illuminated by the light of reason.

We are gathered here at this ceremony to commemorate the speech with which George Marshall announced 25 years ago that plan which was to become one of the most formidable and at the same time successful achievements of the United States of America. I have no authority to speak for any country other than my own, but I know, and I want the American people to know: our gratitude, the gratitude of Europeans, has remained alive. What we give in return is our growing ability to be a partner of the United States and in addition, apart from regulating our own affairs, to assume our share of responsibility in the world at large.

To go back to the beginning: If happiness is a concept in which mankind perceives an objective, then in our epoch it has for long stretches remained in the shadow. The era of my generation was a concentration of more darkness, more bitterness and more suffering than nations have ever before brought upon themselves. Against this background the act we are commemorating here today shines brilliantly.

Two world wars, which were first and foremost civil wars in Europe, plunged our civilization into the abyss of self-destruction. Ten million times in the first, more than fifty million times in the second catastrophe, one individual and irreplaceable human life was destroyed—on the battlefield, in air-raid shelters, in camps, by firing squads, in the gas chambers, or by sheer starvation.

And the most depressing part of it is that this century is laden with the stigma of names that have become the ciphers of ruin, names denoting the nameless ravaging of souls, and that tell us that hell on earth was a reality. We have known since then that man is capable of revolting collectively against any moral commandment and of surrendering that quality with which he was born: his ability to be human.

We cannot and do not want to shake off this experience. Nor our awareness of the threat that accompanies us day by day in the form of the multiplication of the means of destruction capable of snuffing out our whole civilization if they slip from our control, if we are no longer the master of that difficult peace we have today, that peace which we regard as our day-to-day task but also as the *ultima ratio* of our existence. For this we have learnt (and I said this six months ago in Oslo): War has become the *ultima irratio* of this century.

There are many who had forethoughts of this. One of them was George Catlett Marshall. He was a soldier. In other words he served a profession which presupposes constant readiness for war with all its consequences. I put it that plainly because it brings into even greater relief the exemplary achievement of this man. That achievement was underlined by the award of the Nobel Prize for Peace.

He was a soldier out of passion. But this word had a double meaning. In this case it is the passion and energy with which Marshall discharged the duties of his profession. It also includes his readiness to suffer and to share the suffering of others. A quality indispensable in a good soldier and man of character.

As a young staff officer charged with complicated strategic and logistical duties, he witnessed the first mass loss of life at St. Mihiel and in the Argonne forest in France in 1917 and 1918. We know that this experience marked his life. It did not cause him to falter in the steadiness of purpose which characterized the stages in his career during the interval of that precarious peace between the cease-fire of Compiegne and the 1st of September 1939—that 1st of September when the German attack was launched against Poland and when George Marshall became chief of staff of the United States Army. Acting upon the instructions of his President, he took steps to ensure that the United States was heavily armed in its neutrality. Yet it was clear to him that America would for a second time be challenged to decide Europe's destiny. He was known as the organizer of victory. His circumspection and his exact yet imaginative strategy were the mathematics of the campaigns and battles upon which the Third Reich and the crazed policies of its leaders crumbled.

The end was bitter, and not only for the vanquished. Victories, too, can be bitter, especially if they carry the seed of future

conflicts. As in 1918, when the war was won, and peace was lost for want of reason on the part of the winners and the losers: through stubborn mistrust on the one side; through resentment of the humiliated on the other. Against the wish of its President, the United States left Europe to itself, left it prone to the animosities and jealousies born of national pride which did not cease to exist when the nations laid down their arms.

That time America's political and military leaders, faithful to the traditions of their fathers, felt that their duty was to withdraw and abstain from further international involvement. But in fact that was no longer possible and apparently no longer permissible.

It was different in 1945: George Marshall and others agreed that victory did not relieve his country of its responsibility. The United States did not for one moment claim that responsibility for itself. It shared it with its allies, in particular with Britain which in 1940, putting up a long resistance, refused to surrender its freedom. And with France, who, despite being sorely wounded, picked herself up again. But not least with the Soviet Union, which had fought tenaciously, and suffered particularly heavy losses, and which now found the door to central Europe thrown open as a result of Hitler's war.

The understanding between the big powers called for their joint exercise of responsibility. But even before the war was over the victorious powers quarrelled over who should exercise influence over the liberated countries. Defeated Germany then became both the cause and the object of the Cold War. For a second time it seemed that hardly had the fighting stopped, that peace was lost in the clash of power interests and ideological conflict.

In that desperate situation President Harry Truman recalled General Marshall from retirement and appointed him Secretary of State; that was on 21 January 1947. Not as Chief of Staff for the Cold War, as many might have feared, but as the man who, having organized the war, was now looked upon to organize peace.

The world hoped for an expected constructive answer from the United States to the challenge of despair, helplessness and distress, but also the will to live, that had not become extinct in the hearts of the nations of Europe. Creative spirits on both sides of the Atlantic, who realized that not more time should be lost, had long been at work in providing that answer. The Plan which bears the name of George Marshall was forged from many ideas and suggestions. Sober analysis of the absurd situation in Europe after the Moscow Conference of April 1947 converged with the determination to act before that terrible "too late" could be uttered.

The European recovery program which the Secretary of State outlined here 25 years ago contained a sincere offer to restore collective East-West responsibilities for Europe. The East rejected that offer, and that meant the widening and cementing of division. As you know, in those days I was in Berlin and I say quite openly here that Ernst Reuter and I by no means found it easy to recognize this painful reality. We deplored the division of the continent, of our country, of our own city. We could not cede our will for unity to the advocates of nationalistic protest. But on no account did we want to give up the chance afforded by our regained freedom. We had to pit our will to assert ourselves against the danger of paralysis.

Berlin became the cradle of German-American friendship. The refusal to resign itself to the situation became the basis for future partnership. At the same time, the help we received to help ourselves could only benefit the countries of Western Europe, and that became a turning point in international relations.

In speaking of this assistance I do not overlook the help given in various ways by private charitable organizations, who commenced their activities even before the hostilities were over. I cannot emphasize too highly the moral support which came from their assistance then and in future years.

The Marshall Plan mobilized American reserves to provide Western Europe with the capital and raw materials it needed to regain its vitality. That program explicitly included defeated Germany. It was not only that magnanimity that is part of America's nature, and not only the willingness to help which is characteristic of the people of this country, that inspired the leaders of the most powerful nation in the world to come to the aid of the defeated. It was, of course, also a political calculation which looked beyond the current status of affairs to the horizons of coming decades. By this I mean more than that America understandably thought about its position in relation to the Soviet Union: I mean above all that the Marshall Plan challenged the European Partners to enter into close economic co-operation. Inherent in the plan was also an appeal for a common political course.

That was the basic element of the program which without hesitation I would say bears the marks of genius. It traced, though tentatively, the aim of European, or at least West European unity. It was more than the release of economic dynamism, more than the rekindling of industrial vitality which produced miracles, not only in the Federal Republic of Germany after the currency reform. Every nation of Western Europe showed in its own way that it possessed the unbroken will to work and pull itself up again, a will that had only wanted to be sparked off.

With his plan George Marshall roused Europe's stifled self-confidence. He gave many citizens of the old continent a concrete stimulus to bring down from the stars the vision of a Europe united in lasting peace. The first step towards that aim was the OEEC, the Organization for European Economic Co-Operation. The progressive thinkers in France, Italy, The Netherlands, Britain and Germany were prepared for this change. The most outstanding among them was Jean Monnet. He was in fact Marshall's partner in Europe. That great Frenchman and European saw more clearly than others the need for a modern economic planning on a wide scale, an asset that was partly attributable to his precise knowledge of the American reality. He knew that national frontiers had to be removed or at least made bridgeable if the continent was to be revitalized The Schuman Plan, which by merging the coal and steel industries in the Western part of our continent was a significant first step to the joint organization of its economic energies, was inspired by this great man. His progressive determination coincided with the realistic instinct of three conservative statesmen whose European consciousness was embedded in the folds of history that lay deeper than the ideal of the nation state: Robert Schuman, Konrad Adenauer and Alcide de Gasperi.

Marshall Plan, OEEC and the Coal and Steel Community—and together with them the cessation of a negative occupation policy as manifest in the dismantling of industry—were the first stageposts of that European Renaissance, a term I prefer to the "German Miracle", which was really a European one.

This leads us to ponder a little more the ties that link America inseparably with the destiny of the old continent. It was James Monroe who said that the New World would restore the equilibrium of the old. He has been proved right—in spite of the latent isolationist tendencies in America that are sometimes traced back to his Doctrine. When he spoke of this equilibrium he in fact anticipated the reality we now aspire to through our transatlantic partnership.

In one of his early political writings, Thomas Mann described the Atlantic as the "New Mediterranean" and ascribed to the nation on this side of the Ocean the legacy of ancient Rome. Ingenious comparisons of this kind fire our imagination; yet we are conscious of their dubiousness. Nowhere has the United States been prescribed an imperial destiny along classical lines, and past decades have proved that Europe, contrary to all the pessimistic oracles, was by no means doomed for decline as ancient Greece.

On the contrary: The Marshall Plan was productive proof that America needs a self-confident Europe capable of forming a common political will. The United States is waiting for us Europeans to create the institutions capable of acting in our joint name. It waits for Europe to grow into an equal partner with whom it can share the burden of responsibility for world affairs. This we are patiently trying to do by seeking to enlarge and develop the community which, now with the inclusion of Britain, but also Ireland, Denmark and Norway, is in the process of creating an economic and monetary union and of establishing closer political co-operation.

I may add that America's impatience over the slow progress being made in this direction is to some extent understandable. But that impatience was based on the wrong premise; it was erroneous to believe that Europe could reproduce what had become a reality in the United States.

In Europe the idea was not to level off national entities; Rather to preserve their identities while at the same time combining their energies to form a new whole. The idea was, and still is, to organize Europe in such a way that it will remain European.

Yet however tightly Europe may grow together, America will not be able to sever its European links. It will not be able to forget that the Western part of the Old World will remain an area of vital interest to it, a relevant conclusion reached by Walter Lippmann from his fifty years' experience as a critical observer of world affairs.

The nations of East and Southeast Europe, in spite of their less favorable starting position and conditions, have also given an impressive performance of reconstruction and modernization. Thus we should not underestimate the possibilities for co-operation across the whole of Europe that may arise in the years ahead. Are we, after all, not now progressing beyond our bilateral experiences towards a conference on security and co-operation in Europe with the participation of the United States and Canada? And though Euphoria would be quite out of place in this connection it would be unwise not to take any opportunity that holds out the prospect of success, however slight.

It is general knowledge that the Federal Republic of Germany is endeavouring to contribute in its own specific way to the improvement of relations and to the consolidation of peace in Europe. But our policy of conciliation and understanding with Eastern Europe could not for one moment mean that Europe and the United States would move apart. On the contrary: The will for détente is a point program of the Atlantic Alliance.

With the treaties of Moscow and Warsaw, to which several other agreements will be added, the Federal Republic of Germany has not only honored its pledge to seek reconciliation, in which we see a moral duty, it has in fact returned after a period of unclarity to the main stream of the will of the world, which commands East and West to relax the cramped position and ease the permanent strain of the cold war. In pursuing this aim we have never lost sight of the dictates of security, including military security.

The Atlantic Community has truly acquired a new dynamism. It has developed into the entity prescribed for it by its founders: An alliance for peace, an alliance both militarily prepared and capable of negotiat-

ing without cherishing illusions. The alliance remains the basis of our plans and of our actions. Its reliability has encouraged our French and British friends, and ourselves, to remind our neighbors in the East that behind the barriers of power interest and spheres of influence, behind the ineffaceable delimitations of ideological differences, behind the irreconciliability of social concepts, there waits the new reality of a larger Europe which should be capable of harmonizing its interests under the banner of peace.

Our parliamentary debate over the treaties of Moscow and Warsaw was hard. It has shown that the process of détente can only be enhanced by a steadfast and sober policy. Our courage to accept realities should express itself in this sobriety: A sense of reality which other nations have too often found lacking in the Germans. We need this sense of reality more urgently than ever before, for to liquidate the cold war really means to close the accounts of the second world war.

In this phase of change America's presence in Europe is more necessary than ever. I trust that those who carry responsibility in this country will not refuse to appreciate this. American-European partnership is indispensable if America does not want to neglect its own interests and if our Europe is to forge itself into a productive system instead of again becoming a volcanic terrain of crisis, anxiety and confusion. The forms of the American commitment may change, but an actual disengagement would cancel out a basic law of our peace. It would be tantamount to abdication. We want our American friends to know, however, that we have viewed with anything but indifference the heavy external and internal burdens which they have had to carry during this period. The fact that America does not repress its critical problems but faces up to them unsparingly is in our eyes proof of its unbroken strength. And the fact that it does not take them lightly does not weaken but rather increases our sympathy and the reliability of our partnership.

Year 1947 marked the beginning of the cold war, not because but in spite of the Marshall Plan. The situation resulting from the cold war is one of the bitter realities with which America, like Europe, still has to contend today. The results of the Marshall Plan have among other things enabled us, 25 years after its proclamation, to embark on a policy which has made 1972 a year which may one day perhaps likewise be regarded as a turning-point in world politics.

President Nixon has signed agreements with leaders of the Soviet Union intended to reduce the confrontation and to mark out clearly the areas of co-operation. Europe in particular can but benefit from the introduction of stabilizing factors in the relations between the two superpowers, which lead to greater security.

President Nixon has rightly attributed worldwide significance to the quadripartite agreement on Berlin which entered into force two days ago. It is the result of a great common achievement that West Berlin has been able to survive all the crises of a quarter of century and that now, its link with the Federal Republic being no longer in question, it can look to a secure future.

This also means—and this is a fact not yet appreciated everywhere—that the presence of the United States in the center of Europe, unlimited in point of time, has been confirmed with the consent of the Soviet Union.

Moreover, one of our greatest tasks in the years ahead will be not to increase but to limit, and where possible reduce, the mightiest destructive potential that ever was on the soil of Europe, and to do so on both sides, in East and West. If we can together limit our armaments—mutually and balanced—instead of building up our arsenals in a race against each other there may be opened up the perspectives that will lead to co-operation between East and West Europe.

If we can now carefully prepare a conference on security and co-operation in Europe it is an expression of the reality that the United States will participate as a power without which there can be no security in Europe. To have recognized this reality is an important contribution by the Soviet leaders.

By dint of hard work and with American support Western Europe is now back on its own feet. With the aid of the United States it has again found its own personality. Thus we in Europe, and especially we in the Federal Republic are deeply indebted to this country.

But in this hour let us now only look backward. Let the memory of the past become our mission of the future, let us accept the new challenge and perceive the new opportunity: Peace through co-operation.

Let me stress once again that to build this structure we need the United States, its commitment, its guarantee and its co-operation.

It is precisely now that we need increasing understanding for our partners on both sides of the Atlantic. The Federal Republic of Germany wishes to help bring this about. It is the expression of our special gratitude for the decision 25 years ago not to keep us out. It is an expression of our conviction that we can achieve peace only jointly and by co-operation.

On the occasion of the 25th anniversary of the announcement of the European recovery program by Secretary of State George Marshall, we, my colleagues representing all parties of our parliament, and I, wish to inform you of several measures taken by the Federal Republic of Germany with a view to closer understanding between partners on both sides of the Atlantic in the seventies and eighties.

1. The German Federal Government has established the financial basis for the setting up of a German Marshall Plan Memorial in the United States. A fund has meanwhile been incorporated and constituted in the District of Columbia as an independent American Foundation: "The German Marshall Fund of the United States—A Memorial to the Marshall Plan". Its Bylaws have been adopted, its board members and officers elected.

The Federal Government undertakes to provide the fund with 150 million deutschmarks to be paid over the next fifteen years in installments of 10 million deutschmarks due on the 5th of June of each year. All parties represented in the German Bundestag approved the Government's appropriation bill for these funds.

Under the arrangements made between the German Government and the Fund's Board of the directors, the German Marshall Fund will administer its proceeds without any influence by German authorities, and will use them to promote American-European study and research projects.

There will be three main areas on which the fund will concentrate its interest:

(a) The comparative study of problems confronting advanced industrial societies in Europe, North America and other parts of the world;

(b) The study of problems of international relations that pertain to the common interests of Europe and the United States;

(c) Support for the field of European studies.

2. Upon the suggestion of the Federal Government, the program of West European studies of Harvard University will receive this year a non-recurring grant of three Million Deutschmarks from the German Marshall fund to establish a "German Marshall Memorial Endowment" for the promotion of European Study Projects.

3. The German Government has always attached special significance to exchanges with the United States in the field of science. This is also reflected in the consistent support it has given to the German-American Fulbright Program. So as to make it more effective the German Government has decided to increase its financial contribution substantially above the amount expected of it as a matching contribution—from the present two million to three and a half million deutschmarks per year.

4. In order to improve co-operation in specialized fields between American and German research institutes, the German Government has adopted a sponsorship program for the exchange of highly-qualified American and German scientists. The German Ministry of Education and Science will earmark five million deutschmarks per year for this exchange program.

5. The Donors' Association for German Science, an institution established by German industrial and commercial firms, has undertaken to replenish by two and a half million deutschmarks a year the amount made available by the Federal Government for the sponsorship program. These additional funds will be used for exchanges of scholars in the field of the humanities.

Ladies and Gentlemen, we in the Federal Republic of Germany hope that these measures will have a beneficial effect on our partnership. And thus we follow up on the will for common effort that characterized the Marshall Plan Program.

Above all, we want to arouse in the younger generation that mutual trust which in those days exhorted the Europeans to make peace among themselves. They must not forget that the interdependence of states on both sides of the Atlantic proclaimed by John F. Kennedy must remain a moral, a cultural, an economic and a political reality. It must not be renounced, nor must it be weakened. It is part of the as yet unwritten constitution of the future Europe which we continue to strive for: With gratitude and respect for the man whose work we commemorate here today, the soldier who saw his life's fulfilment in an act for peace. Twenty-five years ago he recruited us in the service of peace. In the spirit of his aims we shall endeavour to do our duty.

Mr. President, Ladies and Gentlemen, I am pleased that we have with us here today the Chairman of the Board of the German Marshall Fund of the United States, Dean Harvey Brooks, as well as the Chairman of the Board of Overseers of Harvard University and Chairman of the Fund's Honorary Committee, Mr. C. Douglas Dillon.

It is my honour and privilege to ask them to accept the deeds by which the German Government sets up the German Marshall Fund of the United States and the German Marshall Memorial Endowment of Harvard's Program for West European Studies, together with the checks for the first of the fifteen annual installments.

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## NOMINATION OF RICHARD G. KLEINDIENST

The Senate in executive session continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. FULBRIGHT. Mr. President, I have stated on previous occasions that as a general principle, I accept the prerogative of the President to name members of the Cabinet without objection from the Senate except in situations where there is a clear showing that a nomination is inimical to the interests of the country. However, it is my conviction that the current nomination of Richard Kleindienst for the position of Attorney

General is an exception to this general principle.

The office of Attorney General is one of the most important in our Government. The Attorney General administers the Department of Justice and that Department's actions and policies are central to the protection of our basic freedoms. It is hardly a position which should be filled by any President's key political operatives—a role formerly assigned to the Postmaster General. Although there were instances of such a trend under previous administrations, such a trend is coming more pronounced. The earlier appointment to this important office of Mr. Mitchell and now the nomination of Mr. Kleindienst indicates this. Mr. Mitchell was the President's campaign manager in 1968 and is in that same position again this year. I personally like John Mitchell and no question was raised about his confirmation by any one. Mr. Kleindienst is best known for having served asa campaign director for the 1964 Goldwater campaign and the 1968 Nixon campaign, and now serious questions have been raised, many of them unanswered.

The spoils system will, I suppose, always be with us, but the office of Attorney General is not the proper place for political rewards, and the Senate should be alert to this danger.

The Attorney General and the Department of Justice should enjoy the confidence of the people and represent the public interest. Mr. Kleindienst's record gives little indication that he would concern himself primarily with the individual and collective rights of the American people. There is every indication that political considerations would take precedence over private citizens' interests or the public.

The integrity of the Justice Department has been questioned. Judging from the record thus far, there is strong reason to question whether the Department, under the leadership of Richard Kleindienst, would not subvert the public interest in favor of economic power and partisan politics, further weakening public confidence in our institutions.

Mr. President, as one of my home State newspapers, the Arkansas Democrat, has stated, Mr. Kleindienst "clearly is too cavalier about conflicts of interest." However, as another Arkansas paper, the Gazette, has editorialized:

> There are and were plenty of other reasons for not confirming Kleindienst aside from the ITT business.

In the Gazette's words, approving Mr. Kleindienst as Attorney General would be to provide him an "all seasons hunting license against the Bill of Rights—in effect to promote him for his past depredations against the ancient charter of our personal liberties."

This, I believe, is a point which should be emphasized. For, in addition to the well-publicized bill of particulars relating to the matters I have previously mentioned, Mr. Kleindienst's attitude toward civil liberties should clearly disqualify him from holding the office of protector of liberty and justice.

For example, Mr. Kleindienst is an advocate of wiretapping and bugging without the use of court warrants in so-called domestic security cases. He is also an advocate of preventive detention and of no-knock statutes enabling police to enter private premises without identifying themselves.

Mr. Kleindienst and some of his colleagues in the Nixon administration have shown something less than complete devotion to the first amendment protection of freedom of the press.

Under Mitchell and Kleindienst, the Justice Department has seemed much more concerned with political surveillance and a distorted concept of national security than with civil liberties. I cannot condone granting Mr. Kleindienst what the Arkansas Gazette called an all seasons hunting license against the Bill of Rights.

Finally, I would mention another specific matter upon which Mr. Kliendienst has acted during his tenure as Acting Attorney General. I refer to his ruling, contained in a letter to me on March 31, 1972, that the domestic showing of a U.S. Information Agency film on a number of television stations in New York was not a violation of the law. I do not intend to review this entire matter here. However, I am convinced that this ruling is a distortion of the legislative intent concerning the domestic distribution of USIA materials. The Smith-Mundt Act of 1948, the basic authority for USIA, speaks only in terms of dissemination of information overseas, with the proviso that materials sent overseas be available for examination by the private media services and "on request, shall be made available to Members of Congress."

Authority for the public showing in this country of a USIA film on the late President Kennedy required a special act of Congress. In order to placate the genuine concerns expressed at the time that the showing of the film would pave the way for wholesale distribution of USIA materials and propagandizing the American public, Congress stated the following in that act:

> It is further the sense of Congress that the expression of Congressional intent embodied on this joint resolution is to be limited solely to the film referred to herein and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the United States Information Agency available for general distribution in the United States.

It is difficult to understand how Congress could have stated its intentions more clearly. Yet the Acting Attorney General ruled otherwise, showing in my opinion little respect for the law or for the Congress.

The Baltimore Sun called Mr. Kleindienst's interpretation "astonishing" and said the "law and the intent of Congress—seem clear" and that Mr. Kleindienst "has read a new meaning" into the law.

A New York Times editorial said Mr. Kleindienst was reading the law "in precisely the opposite sense" than was intended by Congress. The Washington Post also took issue with the Kleindienst interpretation and called it "wrong."

Mr. President, I ask unanimous consent that the three editorials I have referred to be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. I should like to read the last paragraph of the Sun editorial of Wednesday, April 5:

> Congress may have been wrong in writing the domestic prohibition into the law. It may have been overly fearful of the influence or operations of a government information agency. Nonetheless, the law and the intent of Congress still seem clear. Mr. Kleindienst's purported interpretation is astonishing.

In summary, I would simply state that I believe, for all the reasons I have outlined, and because of the record made by the Judiciary Committee, the details of which have been discussed at length in the press and here today, that the nomination of Mr. Kleindienst should not be confirmed. I believe the case against him is a strong one, and I hope the Senate will refuse to confirm the nomination of Richard Kleindienst.

EXHIBIT 1

[From the Baltimore Sun, Apr. 5, 1972]

CONGRESS AND THE USIA

The acting Attorney General of the United States, Mr. Kleindienst, has read a new meaning into a law passed by Congress some 24 years ago for the ostensible purpose of safeguarding the American public against the operations of a government propaganda agency. In the law establishing the United States Information Agency—and it should be remembered that a peace-time propaganda agency was at that time a new venture for this country—Congress specified that the material compiled by the USIA and disseminated abroad was not to be disseminated in the United States. The intent of Congress seemed clear at the time. It was to bar the United States government from operating its own information apparatus within this country after the model of the propaganda ministries of Nazi Germany or the Soviet Union, fresh in the congressional mind at that time.

Thus broadcasts or film showings of USIA material within the United States were banned, with a proviso that the material would be available for examination by representatives of the American press and broadcast stations and, on request by members of Congress. The intent to permit a check-up on the output of the agency seemed clear at the time, as did the purpose of the rule against domestic dissemination. In keeping with this intent Congress felt it necessary in 1965 to pass a special law authorizing the dissemination in the United States of the USIA film made after President Kennedy's murder, "Years of Lightning, Day of Drums."

But last week Mr. Kleindienst found that the apparent purpose of Congress was to make USIA material "available to the American public, through the press and members of Congress," even though the agency itself was barred from such action. Accordingly, Mr. Kleindienst found no statutory objection to the showing on a New York television network of a film on Czechoslovakia made three years ago by the USIA. Senator Buckley of New York included the film in an interview with Bruce Herschensohn, a USIA film director, who pointedly criticized Senator Fulbright during the interview. (Frank Shakespeare, the USIA director, sent a note of apology to Mr. Fulbright and took exception to the release of the USIA film to a political figure for use on a domestic program. Thereafter Mr. Herschensohn resigned.)

Congress may have been wrong in writing the domestic prohibition into the law. It may have been overly fearful of the influence or operations of a government information agency. None the less, the law and the intent of Congress still seem clear. Mr. Kleindienst's purported interpretation is astonishing.

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[From the New York Times, Apr. 4, 1972]

HOME FRONT PROPAGANDA

When Congress launched the United States Information Service at the very start of the cold war, it clearly intended that the material produced for foreign consumption should not in any way be used for political purposes at home. There has never been a change in that policy; yet Acting Attorney General Kleindienst now affects to read the law in precisely the opposite sense. Mr. Kleindienst has given Senator Buckley of New York full legal support in the showing of a U.S.I.A. film about Czechoslovakia on the Senator's monthly television program. Mr. Kleindienst stretches a statute that expressly requires all such material to be available "for examination" by representatives of the American media and members of Congress into approval for its distribution to the public by television.

When the U.S.I.A. some years ago contracted with a film company to show its movie "Jacqueline Kennedy's Asian Journey," Republicans in Congress complained to the Controller General about that "scheme to propagandize the American people." He agreed and warned that no such contracts would be approved in the future without express statutory authority, which the House had declined to provide.

Frank Shakespeare, director of the Information Agency, in retrospect now questions the propriety of having allowed Senator Buckley, who is certainly a "political figure," to make domestic use of the film on Czechoslovakia, whatever its merits. He has likewise apologized to Senator Fulbright for the insulting remarks made about him by a U.S.I.A. official on the television show that incorporated the film. And that aide has quite properly turned in his resignation. The fact remains that Senator Buckley and Mr. Kleindienst have both displayed singularly poor judgment.

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

MR. KLEINDIENST, MEET MR. SHAKESPEARE

The current flap over whether it is appropriate for a USIA film to be shown on Senator Buckley's TV show, designed for constituent consumption, contains a lot of legal analysis, high drama and low comedy. Lurking in the background is a continuing conflict between Senator Fulbright and the USIA over the value and the merit of some of that agency's efforts, most notably, Voice of America, Radio Free Europe and Radio Liberty. And somewhere in the foreground is a statement by a USIA official on the taped Buckley show to the effect that the foreign policy views of the Chairman of the Senate Foreign Relations Committee are "naive and stupid." And right in the middle is a large question of law and policy about whether it is either lawful or wise for the U.S. information agency to make its output, originally designed for use abroad, available here at home through a political figure, or through anyone else for that matter.

When the press reported that the taped Buckley show existed, Senator Fulbright, ignoring the reference to him, asked the Department of Justice to restrain its release on the ground that the USIA was not authorized by law to distribute its material domestically. At about the same time, USIA Director Shakespeare issued a statement acknowledging past difficulties with the senator, but stating the hope that "future discussions . . . will be conducted, as they have been heretofore in a courteous and respectful manner."

Then, Mr. Shakespeare sent the senator a formal apology repeating the tone of his earlier statement and commenting on the issue at hand: "There is also a question in my mind as to the propriety of the national archives release of a USIA film to a political figure for use on a domestic TV program . . . I can well see that the use of the film by a political figure, even on an educational program, is of questionable validity." He informed the senator that he had asked his general counsel to instruct the archives that such use of film does not conform to the agency's judgment of the proprieties involved and thus that such material was not to be used in that manner in the future.

At this point it seemed that those who fear the development of a governmental domestic propaganda capacity could all relax. But it was not to be. On Friday, Acting Attorney General Kleindienst sent over his answer to the senator's request to stay USIA's hand. Astonishingly, he found that words in the act establishing the USIA were intended to permit USIA materials to be made available to the American public through the press and through members of Congress.

This analysis is remarkable in view of the language of the Smith-Mundt Act of 1948 creating the USIA. As we read it, this language speaks only of the promotion of understanding of the United States and her people "in other countries" and to that end of the "establishment of an information service to disseminate *abroad*" information about the United States. When, in 1965, there was strong public interest in a USIA film on President Kennedy, the Congress passed a special joint resolution to permit the agency to release the film to the American public. During the debate on the issue, Senator Mundt, one of the authors of the original USIA bill, said, in an executive session of the Foreign Relations Committee, that during the original debate, one of the most hotly contested issues was whether the Congress was creating a "domestic propaganda agency." He added: "We put in a section specifically to prevent it."

The Foreign Relations Committee Report on the Kennedy film resolution contained the following language: "It is the further sense of Congress that the expression of congressional intent embodied in this Joint Resolution is to be limited solely to the film referred to herein and that nothing contained in this Joint Resolution should be construed to establish a precedent for making other material prepared by USIA available for general distribution in the United States." Now that seems pretty clear. Yet the acting attorney general found otherwise.

The dangers to a free people of a creeping practice of governmentally developed propaganda material being broadly disseminated to the American public are too obvious for extended analysis, particularly when the first instance of such dissemination is through a political figure of the same general political persuasion as the administration in power. We think that Mr. Shakespeare's instincts and judgments were correct and that Mr. Kleindienst was wrong on both the law and the policy. Fortunately, sources within USIA express an intention to adhere to the limitation in Mr. Shakespeare's letter. But we think that that limitation should be broadened. It should not simply apply to dissemination through public figures, but to all dissemination to the American public.

Finally, it is only fair to say that Mr. Fulbright, far from being either stupid or naive on this matter, was eminently wise.

## CLASSIFICATION PROCEDURES OF THE DEPARTMENTS OF STATE AND DEFENSE

Mr FULBRIGHT. Mr. President, earlier this year, the Committee on Foreign Relations propounded a series of questions to the Departments of State and Defense requesting information on the classification procedures employed by those Departments. The answers to those questions were received by the committee. Believing the material to be of vital interest to the Senate in dealing with the subject matter that the Congress is currently considering in both Houses, I asked unanimous consent that the material be printed in the CONGRESSIONAL RECORD. Unanimous consent of the Senate was given and the material referred to was forwarded by the Official Reporter of Debates to the Government Printing Office for inclusion in last Friday's RECORD. Upon searching the RECORD of Friday, June 2, I found the material had not been printed. Subsequent inquiry revealed that the Public Printer declined to print the material in the RECORD, and the material was returned to my office with a form letter from the Public Printer, which I ask be printed in the RECORD at this point.

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

U.S. GOVERNMENT PRINTING OFFICE,
*Washington, D.C., June 5, 1972.*

Hon. J. W. FULBRIGHT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: We return herewith your manuscript entitled Re: Questionnaire On Classification Procedures, submitted to this Office for insertion in the Congressional Record, and respectfully invite your attention to the following regulation of the Joint Committee on Printing:

(1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the CONGRESSIONAL RECORD unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

(2) No extraneous matter shall be printed in the House proceedings or the Senate proceedings, with the following exceptions:

(a) Excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate.

(b) Communications from State Legislatures.

(c) Addresses or articles by the President and the Members of his Cabinet, the Vice President, or a Member of Congress.

(3) The official reporters of the House or Senate or the Public Printer shall return to the Member of the respective House any matter submitted for the CONGRESSIONAL RECORD which is in contravention of these provisions.

This manuscript is estimated to make approximately 8¼ pages of the CONGRESSIONAL RECORD at a cost of $1,155.00. If you still desire to have this matter published in the RECORD, permission must again be requested of the Senate for its inclusion and the probable cost should then be announced and this estimate attached to the manuscript sent to the Official Reporters.

Sincerely yours,

H. J. HUMPHREY,
*Acting Public Printer.*

Mr. FULBRIGHT. The letter from the Public Printer indicated that the material was being returned to my office and my attention was invited to a regulation of the Joint Committee on Printing which states, among other things:

(1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

I am curious, Mr. President, as to the determination made by the Public Printer in this instance. The material I asked be inserted in the RECORD, as I have explained, can in no way be called extraneous matter. Extraneous means, according to Webster's Seventh New Collegiate Dictionary:

1. Existing or coming from the outside 2a: Not forming an essential or vital part: accidental b: Having no relevance SYN See Extrinsic.

How could any reasonable official make the determination that the subject matter of my proposed insertion is not essential or vital to continuing discussions in Congress about classification procedures in the Government? I can think of nothing more relevant than the questions propounded to the Departments of State and Defense and the answers thereto bearing on the Government's classification procedures.

It is generally agreed, I believe, by many Members of this body and the public that the classification procedures of the executive departments have been grossly abused and that they are a serious obstacle to the efficient conduct of the public's business.

The Public Printer has informed me that this material will consist of approximately 8¼ pages in the RECORD, at a cost of $1,155. When I consider the amounts spent by this Government, particularly by the Department of Defense, in printing publications for propaganda purposes alone, it puzzles me that the Congress of the United States tolerates the kind of limitations it does upon its activities in having material printed in the CONGRESSIONAL RECORD for the information of the membership.

For example, the Department of Defense spent considerably more than $25 million last year for external public relations and public information activities that have a very dubious relationship to its own function, in my opinion. It publishes some 1,400 internal publications, at a cost of some $12 million, for its own personnel.

Therefore, Mr. President, I again ask unanimous consent that the material, which I attempted to enter in the RECORD last Friday, be printed in today's RECORD.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

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

QUESTIONNAIRE

Question 1: What are the statutes, executive orders and administrative regulations upon which classification procedures of the Department of Defense are based?

Answer: There is no statute which explicity authorizes the Department of Defense to classify information. Executive Order 10501, November 15, 1953, as amended, provides the basis for DoD classification, downgrading and declassification procedures. The principal DoD regulations which provide for these procedures are DoD Instruction 5210.47, DoD Directive 5200.9, and DoD Instruction 5200.10. The provisions of these regulations are implemented for the defense industry through the promulgation of the DoD Industrial Security Regulation, DoD 5220.22–R, and the DoD Industrial Security Manual for Safeguarding Classified Information, DoD 5220.22–M. (Copies of these documents are attached.)

In addition to the foregoing, the DoD has a Classification Management Program which was established in 1963. The regulations for this program are DoD Directive 5120.33 and DoD Instruction 5120.34. (Copies are attached.)

Under the Classification Management Program, the DoD issues classification policy guidance for application throughout the DoD. Examples of such guidance are DoD Instruction 5210.51, DoD Instruction 5210.57, and DoD Instruction 5210.59. (Copies are attached.)

Question 2: What are the various categories of security classification used within the Department of Defense, what is the definition of each, and what are the criteria which are applied in determining classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

Answer: Executive Order 10501, as amended, and DoD Instruction 5210.47 provide for three categories of security classification, Top Secret, Secret and Confidential. Definitions of these categories are contained in E.O. 10501, Section 1 (a), (b), and (c), and in DoD Instruction 5210.47, Section IV.B., C., and D.

The policies and criteria which are used in the Department of Defense to determine whether information should be classified at any level are shown in DoD Instruction 5210.47, Section III and Section VI., particularly VI. F.

Examples of specific kinds of information which ordinarily would warrant a specific level of classification are shown in DoD Instruction 5210.47, Appendix A.

The foregoing policies and criteria are not based on any specific statute. They are based on E.O. 10501 as implemented by DoD Instruction 5210.47.

Question 3: What categories of personnel in the Department of Defense are authorized to assign security classification to information or documents?

Answer: It is important to point out the difference between original and derivative classification. Original classification is involved when officials designated to have original clasification authority exercise independent judgment to classify information based on the consideration of whether its unauthorized disclosure could or would inflict prejudicial or a greater degree of damage to the national defense interest. The decision to classify is made after evaluation of a number of factors prescribed by policy from which is derived a conclusion that the information involved requires the safeguard afforded by security classification. Judgments in this complex area can and do differ.

Derivative classification is involved when a person authorized to receive and disseminate classified information treats that information in the same way as the originator with respect to classification of content and markings. The derivative classifier applies the classification decision already made by the original classifier. For example, a security classification guidance furnished to a contractor by the Department of Defense specifies precisely what information involved in his contract is classified.

In the DoD, the granting and exercise of original classification authority is controlled by the policies stated in DoD Instruction 5210.47, Section V.A. as amplified in Appendix C. Authority is vested in persons by virtue of the official positions they occupy. At the Top Secret and Secret levels, these positions are identified in or pursuant to DoD Instruction 5210.47, Appendix C., Part I (Top Secret) and Part II (Secret). Authorized officials at the Top Secret and Secret levels designate subordinates at the Confidential level pursuant to the policy stated in DoD Instruction 5210.47, Section V.A., 3.c. (page 11).

Derivative classification authority is described in DoD Instruction 5210.47, Section V.B. The policy for the vesting and exercise of this kind of authority is stated in that Instruction, Section V.B., 2. and 3. (pages 12–13).

Question: How many such individuals are there in each of the categories of security classification cited?

Answer: As of October 9, 1971, the number of these individuals authorized to exercise original classifying authority are as follows:

Top secret, 789.
Secret, 7,742.
Confidential, 30,947.

Question: By what process do individuals in the Department of Defense become authorized to assign classifications?

Answer: The positions the incumbents of which are authorized to exercise original classifying authority are initially identified and published in DoD Instruction 5210.47, as above described. Where the provisions of that Instruction vest authority for further designations of positions, those designations are made and published in regulations of the Military Departments and other elements of the Department of Defense.

Question: What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given cases?

Answer: Within the Department of Defense, classification is the function of command or supervisory responsibility. Commanders and supervisors at all echelons are required to establish and supervise on a regular basis such review and corrective procedures as may be necessary to assure that the classification determinations within their own and subordinate echelons are being made by proper authority and provide the correct degree of protection necessary to serve current national defense requirements. Particular provisions identifying the foregoing review requirements are shown in DoD Instruction 5210.47, Section V.B.2., Section VII. B. and F., and Section IX.E.

Question 4: How many individuals, including both full and part time employes and contractual and consultant personnel, associated with the Department of Defense are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

Answer: A DoD employee, or a person serving as a defense contractor employee or consultant, is authorized to receive access to classified information at any level only if he has the necessary security clearance at that level and if, in addition, the performance of his official duties requires that he have such access. The question is understood to concern

the number of individuals who have security clearance authorized by the DoD at the various levels.

As of September 24, 1971, there were 458,682 government and defense industry personnel cleared by the Department of Defense for access to Top Secret information (reduced in 1971 by 32.5% from a total of 679,750). Of the foregoing 458,682 Top Secret clearances, 13.6% or 62,571 were in industry, 86.1% or 394,987 were to Department of Defense military and civilian personnel, and the remaining 0.3% or 1,124 were to GAO and Congressional staff personnel.

As of November 1, 1971, the number of individuals in defense industry with security clearances authorized by the DoD at the Secret level were 859,922 and, at the Confidential level 337,905. There are no available figures showing corresponding numbers of DoD personnel cleared at these levels.

Question 5: How many documents in each category of security classification were originated in the Department of Defense last year?

Answer: No validated estimates can be made of the number of classified documents in each category originated in the Department of Defense last year.

Question 6: How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of Defense last year (either calendar or fiscal)?

Answer. It is assumed that the question is intended to refer to electrically transmitted messages. The data which are available pertain to the so-called Automated Digital Network (AUTODIN), a world-wide network of high speed processing stations for transmitting and receiving messages by electrical means. Enclosure No. 1 to this response is a copy of a report prepared in November 1971 which represents a statistically valid sampling produced monthly of the Switch Network Automatic Profile System (SNAPS) Network Profile which summarizes all AUTODIN traffic for one radio day (RADAY). The term HIGH HEELS used in Enclosure No. 1 refers to a world-wide operation that generated an unusually high proportion of classified messages. The term "SPECAT" used in that enclosure refers to special categories of limited distribution.

Question: What was the average distribution of messages in each category?

Answer: There are no data available on the number of addressees by category of classification. Enclosure No. 2 to this response is a copy of a SNAPS Network Profile prepared in November 1971 showing the number of addressees of messages processed on one day each of twelve successive months. The term "COLLECTIVE" used in that enclosure refers to standard distributions established for certain categories of messages.

NUMBER OF MESSAGES [1]

| | Raday | Spec cat | TS | Sec | Conf | EFTO | Unclas | Originated total msgs |
|---|---|---|---|---|---|---|---|---|
| July 1970 | 190 | 64 | 143 | 3,025 | 8,642 | 23,850 | 108,882 | 144,606 |
| August 1970 | 218 | 20 | 134 | 3,212 | 9,221 | 24,979 | 136,087 | 173,653 |
| September 1970 | 246 | 29 | 333 | 4,423 | 9,281 | 23,898 | 138,368 | 176,332 |
| October 1970 | 281 | 36 | 118 | 3,571 | 8,949 | 22,718 | 138,176 | 173,568 |
| November 1970 | 308 | 47 | 133 | 3,265 | 9,496 | 24,227 | 145,205 | 182,372 |
| December 1970 | 337 | 23 | 166 | 3,383 | 9,004 | 23,625 | 144,989 | 181,190 |
| January 1971 | 007 | 98 | 103 | 2,894 | 8,748 | 20,437 | 136,435 | 168,715 |
| February 1971 | 035 | 99 | 445 | 10,274 | 15,005 | 16,621 | 128,220 | [2] 170,664 |
| March 1971 | 062 | 126 | 120 | 4,327 | 10,765 | 24,513 | 153,424 | 193,275 |
| April 1971 | 098 | 66 | 128 | 3,828 | 9,727 | 21,135 | 149,838 | 184,722 |
| May 1971 | 126 | 89 | 159 | 3,484 | 11,126 | 22,414 | 160,995 | 198,267 |
| June 1971 | 154 | 76 | 92 | 3,562 | 9,810 | 21,046 | 150,613 | 185,199 |
| Average | | 64 | 173 | 4,104 | 9,981 | 22,455 | 140,936 | 177,714 |
| Without February (high heels) | | 61 | 148 | 3,543 | 9,524 | 22,986 | 142,092 | |

[1] Figures represent number of messages processed by the DCS Autodin on a busy day. [2] High heels 1971.

NUMBER OF ADDRESSEES

| | Average | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Over | Collective |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| July 1970 | [1] 2 | 105,198 | 18,156 | 7,549 | 3,695 | [2] 2,382 | 1,521 | 1,054 | 775 | 555 | 3,341 | 110 |
| August 1970 | 2 | 130,428 | 19,775 | 8,254 | 4,325 | 2,485 | 1,778 | 1,201 | 867 | 639 | 3,854 | 56 |
| September 1970 | 2 | 132,639 | 20,014 | 8,552 | 4,283 | 2,492 | 1,775 | 1,100 | 877 | 647 | 3,862 | 114 |
| October 1970 | 2 | 131,502 | 19,330 | 7,935 | 4,245 | 2,294 | 1,599 | 1,098 | 909 | 663 | 3,922 | 74 |
| November 1970 | 2 | 137,289 | 20,552 | 8,620 | 4,596 | 2,606 | 1,796 | 1,234 | 962 | 644 | 4,014 | 64 |
| December 1970 | 2 | 136,865 | 20,683 | 8,657 | 4,547 | 2,490 | 1,650 | 1,070 | 826 | 596 | 3,765 | 43 |
| January 1971 | 2 | 128,635 | 18,711 | 7,715 | 4,015 | 2,141 | 1,464 | 982 | 716 | 545 | 3,677 | 116 |
| February 1971 | 2 | 127,998 | 17,527 | 8,275 | 4,473 | 2,538 | 1,872 | 1,229 | 1,027 | 765 | 4,864 | 96 |
| March 1971 | 2 | 144,746 | 23,226 | 9,124 | 4,836 | 2,587 | 1,732 | 1,144 | 874 | 697 | 4,242 | 68 |
| April 1971 | 2 | 137,677 | 22,620 | 8,620 | 4,603 | 2,476 | 1,752 | 1,175 | 836 | 650 | 4,269 | 49 |
| May 1971 | 2 | 149,462 | 23,924 | 9,067 | 4,535 | 2,460 | 1,725 | 1,205 | 855 | 629 | 4,326 | 79 |
| June 1971 | 2 | 139,036 | 22,848 | 8,314 | 4,261 | 2,403 | 1,663 | 1,161 | 821 | 555 | 4,097 | 41 |
| Average | 2 | 133,456 | 20,614 | 8,390 | 4,390 | 2,446 | 1,694 | 1,138 | 862 | 632 | 4,019 | 76 |

[1] Shows average addressee for all messages by month.
[2] Example—Shows 2,382 messages with 5 addressees were recorded on the July 1970 reporting day.

Question 7: In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of Defense as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of Defense last year (either calendar or fiscal) bore such indicators?

Answer: In addition to security classification markings, some of the more commonly used dissemination and control markings and the statutes, agreements or DoD regulations governing their use are shown in the attached tabulation. In the Department of Defense, assignment of these indicators in any given case usually is accomplished by the officials who have security cognizance of the subject matter involved. There are no data available covering the number of documents bearing such markings originated by the Department of Defense during the past calendar or fiscal year.

| *Marking* | *Applicable statute, agreement, or DoD Regulation* | *Meaning* |
|---|---|---|
| ATOMAL. | North Atlantic Treaty for Cooperation Regarding Atomic Information, June 18, 1964. | This NATO marking ATOMAL, when applied to a document, signifies that the document contains United States atomic information (Restricted Data, or Formely Restricted Data) made available pursuant to the NATO Agreement Between the Parties of the North Atlantic Treaty For Co-operation Regarding Atomic Information, signed June 18, 1964, and will be safeguarded accordingly. United States documents will not be marked ATOMAL until they are introduced into the North Atlantic Treaty Organization. |
| | Confidential DoD regulation. | |

| | | |
|---|---|---|
| ATOMAL/COSMIC. | (Same as ATOMAL) | This marking is a combination of two caveats defined separately which identifies North Atlantic Treaty Organization TOP SECRET documents requiring special security protection which contain United States atomic information. |
| Tactical Nuclear Weapon Design Information. | Dod Directive 5210.2 (copy attached). | This marking shall be employed for that Top Secret or Secret Restricted Data revealing the theory of operation or design of the components of a thermonuclear or implosion-type fission bomb, warhead, demolition munition, or test device. |
| Cryptographic. | Secret DoD regulation E.O. 10501, Sec. 13 (b). | A designation or marking of certain U.S. classified CRYPTO material and CRYPTO information indicating that it requires special consideration with respect to access, storage and handling. |
| Distribution Restricted.<br>See DoD map or Chart.<br>Catalog for Guidance or release Outside the U.S. Government. | Secret DoD regulation | This marking is a specific distribution statement printed on certain mapping, charting, and geodesy products and related records that require special distribution instructions. |
| For Official Use Only. | Freedom of Information Act of 1966. DoD Directive 5400.7 (copy attached) | This marking shall be employed on unclassified records and documents which are to be withheld from general public disclosure under appropriate regulatory provisions, and that, for significant reasons, should not be given general circulation. |
| Distribution Limited to United States Government Agencies Only. | DoD Directive 5200.20 (copy attached) | A statement used in marking technical documents to denote specific conditions of availability for distribution, release or disclosure at the initiation of the Department of Defense. |
| Formerly Restricted Data. | Atomic Energy Act of 1954 as amended. DoD Directive 5210.2 (copy attached) | This marking shall be applied to data removed from the Restricted Data category upon determination jointly by the Atomic Energy Commission and the Department of Defense that such data relates *primarily to the military utilization of atomic weapons* and that such data can be adequately safeguarded as classified defense information. Dissemination of Formerly Restricted Data to any nation or regional defense organization or a representative thereof is prohibited except in accordance with agreements for cooperation entered into pursuant to Section 123 of the Atomic Energy Act of 1954, as amended. |
| Proprietary. | Section IX, Part 2, Armed Services Procurement Regulation (Copy attached) | A marking for proprietary information which reflects the right of a civilian contractor or consultant to restrict the use of technical reports which contain information proprietary with him as determined by the terms of the contract under which the reports were prepared. All reports containing statements to this effect, and the proprietary information in the report, will be specifically identified. |
| Restricted Data. | Atomic Energy Act of 1954 as amended. DoD Directive 5210.2 (copy attached) | This marking shall be employed in addition to the security classification marking, to all data concerning (a) design, manufacture or utilization of atomic weapons; (b) the production of special nuclear material; or (c) the use of special nuclear material in production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended. Dissemination of Restricted Data to any nation or regional defense organization or a representative thereof is prohibited except in accordance with agreements for cooperation entered into pursuant of Section 123 of the Atomic Energy Act of 1954, as amended. |
| SIOP. | Secret DoD regulation. | The marking SIOP for Single Integrated Operational Plan documents, signifies recorded information, regardless of its physical form or characteristic, which is part of the Joint Chiefs of Staff Single Integrated Operational Plan, or is derived therefrom. |
| SIOP-ESI. | Secret DoD regulation. Also DoD Directive 5220.28 (copy attached) | SIOP information at Top Secret level of such sensitive nature as to require special access and safeguarding procedures. |

| *Marking* | *Applicable statutes, agreement, or DoD Regulation* | *Meaning* |
|---|---|---|
| SIOP/Special Handling Required Not Releasable to Foreign Nationals. | Secret DoD regulation. | This marking is a combination of two caveats defined separately which shall be employed in the protection of official information, originated or received by any element of the Department of Defense except for intelligence information, sources of methods, whenever the holder of classified documents or other material determines that the anticipated distribution, transmission, or handling would make it liable to inadvertent disclosure to foreign governments or foreign nationals and when information is part of the Joint Chiefs of Staff Single Integrated Operational Plan, or is derived therefrom. |
| SPECAT | Confidential DoD regulation | A marking to identify information of such a degree of sensitivity as to require special access and safeguarding procedures. |
| Special Handling Required Not Releasable to Foreign Nationals | DoD Directive 5200.1 (copy attached) | This marking shall be employed in the protection of classified defense information, originated or received by any element of the Department of Defense whenever the holder of classified documents or other material determines that the anticipated distribution, transmission, or handling would make it liable to inadvertent disclosure to foreign governments or foreign nationals. When the use of the complete special marking is impractical, such as in electrical transmissions or the marking of individual paragraphs, the abbreviation NOFORN may be used. |

**Question 8: What are the various categories of clearances, other than security clearances, held by personnel of the Department of Defense? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?**

Answer: The only "clearances," as such, held by personnel of the Department of Defense are security clearances at Top Secret, Secret and Confidential levels, There are other kinds of security controls and associated markings used to achieve various security objectives, each important in itself. Examples of such controls and associated markings are shown in the tabulation furnished in the response to question 7.

A security clearance level identifies the level of security classification to which, in general, an individual who has been determined trustworthy is eligible to be given access to classified information on a need-to-know basis (the need-to-know principle is described in response to question 9). The controls other than security clearance are used essentially to control the number of eligible persons who may be authorized to have access, and to provide and achieve application of special security safeguards to be observed by those who are authorized access. Individual access authority determinations are made in connection with certain of the control markings, for example, ATOMAL, and Critical Nuclear Weapon Design Information.

**Question 9: How is the principle of "need to know" applied? Who is authorized to determine "need to know"?**

Answer: The need-to-know principle, which stems from Section 7, Executive Order 10501, is covered in DoD Directive 5200.1, Section VII. D., Enclosure 1. In general, access is permitted only to eligible persons whose official duties require such access in the interest of promoting national defense. As more fully explained in DoD Directive 5200.1, the authority and responsibility for determining need-to-know rests on the person who has authorized possession of the classified information involved, not on the person seeking to have access.

**Question 10: In connection with the assignment of security classifications within the Department of Defense, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.**

Answer: DoD regulations require that concurrently with the assignment of a security classification to information originated by or under the jurisdiction of the Department of Defense, downgrading and declassification instructions shall be formulated and included on or within the body of the classified information involved. This requirement is stated in DoD Instruction 5210.47, Section VII. D., 3., Section VIII. C., and in Dod Directive 5200.10, particularly Section III. A., and Enclosure 1, thereto, paragraphs 9.a, and c.

**Question 11: Describe the procedures currently in effect within the Department of Defense for the systematic review of classified documents for the purposes of downgrading, including declassification. Is the Department of Defense current on such reviews?**

Answer: Periodic and systematic review requirements are provided in DoD Instruction 5210. 47 Section III C., Section VII. D., 4, and Section IX. E. and in DoD Directive 5200.10, Section III. B., and Enclosure 1, paragraph 3.c.(1).

There is a DoD system and procedure for automatic, time-phased, downgrading and declassification (DoD Instruction 5200.10). However, the DoD continues to stress systematic and periodic review for downgrading and declassification purposes. Such reviews require document by document consideration by responsible officials who are in a position to exercise judgment as to whether the information for which they exercise responsibility may be downgraded or declassified. These are people whose full time normally is required for accomplishing the primary missions of their respective offices and activities.

In practice, document by document review for downgrading or declassification purposes is believed to be accomplished as time permits and as the result of a particular event, completion of a phase of activites, individual requests for downgrading or declassification, revision of classified guidance, or directed action by higher authority. For full force and effect, such reviews would require additional extensive resources in manpower and funds.

Several specific downgrading and declassification actions accomplished within available resources may be cited. During a six months period from the latter part of 1969 extending into 1970 there was a program, ordered at Secretarial level, for the mandatory review of all security classification guidances of the DoD for purposes of downgrading and declassifying elements of information contained in those guidances. The program particularly applied to security classification guidances furnished to defense contractors. Over 13,500 security classification guidances were reviewed on a nationwide basis. In 7% of the guidances reviewed, there were significant downgrading and declassification actions. One military department reported 12 contracts downgraded or declassified for an estimated cost avoidance of $232,000, 97 technical orders regraded or cancelled for an estimated cost avoidance of $210,000 and 62 items of classified equipment declassified.

Special action programs are directed when, through the Department of Defense classification management system, it is found that more classified information is held in files than is considered reasonable. As one example, in April 1970 a defense contractor activity in Pennsylvania was asked to reduce its classified holdings when it was learned that that activity had on hand over 400 security containers with only two classified contracts. The contractor, guided by Defense Contract Administration Services personnel and personnel of the military department having cognizance of the contracts involved, eliminated the requirement for 55 security containers. Aproximately three tons of classified material were eliminated. The Defense Contract Administration Services organization was later directed to examine and bring about the purging of similar defense contractor holdings nation-wide. It was reported that of a total of 241 contractors and their associated consultants, 104 reduced their classified document holdings an average of 38%.

On May 1, 1971, Secretary Packard directed the heads of military departments and agencies to institute an intensive records clean-out campaign, to be completed by the end of Fiscal Year 1972. He placed special emphasis on the elimination of classified material by downgrading, declassification, retirement or destruction. In his directive he noted that this program should create a surplus of filing equipment which could be used for a

period of years to avoid purchasing new equipment. Accordingly, he placed a moratorium on the purchase of power filing equipment and security containers to continue until December 31, 1973.

Within the Department of Defense, the level of currency in the continuing, systematic, periodic review process varies among the DoD elements. For the DoD as a whole, there is much classified information which has not been reached in the review process and which could be reached only as additional resources are made available for that purpose.

Question: How many documents were declassified by the Department of Defense last year?

Answer: No such data are available.

Question 12: Are present and former employees of the Department of Defense required to submit books, manuscripts, articles, etc., which they write based on their official experiences, for official review prior to publication? Describe the procedures involved.

Answer: The attached copy of DoD Directive 5230.9 establishes the basic DoD policy and procedures applicable to official review prior to publication by present employees of their writings based on their official experience. In accordance with security obligations specifically assumed and reiterated at the time of separation from official duty (Attached is a sample copy of Security Termination Statement, SD Form 416, to be signed by an employee of the Office of the Secretary of Defense during his debriefing at the time of his separation from official duty. Statements similar in substance and purpose are used throughout DoD), a former employee of the DoD is responsible for submitting his personal writings based on official experience to DoD for review for release when such writings include information which he believes may still be classified.

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DEPARTMENT OF DEFENSE, SECURITY TERMINATION STATEMENT

In view of the pending termination of my employment or completion of assignment with ——— Department of Defense, I hereby state that:

1. I do not now have in my possession or custody or control any document or other things containing or incorporating information affecting the national defense, or other security information material classified Top Secret, Secret or Confidential to which I obtained access during my employment or assignment.

2. I am not retaining or taking away with me from my place of employment or assignment any document or thing containing or incorporating security information affecting the national defense or other security information matter classified Top Secret, Secret, or Confidential to which I obtained access during my employment or assignment in any manner whatsoever.

3. I shall not hereafter in any manner reveal or divulge to any unauthorized person, office or organization any security information affecting the national defense, classified Top Secret, Secret or Confidential, of which I have gained knowledge during my employment or assignment except as may be hereafter authorized by officials of the Government empowered to grant such authority.

(If any of the above statements cannot truthfully be made, the word "not" shall be struck out of the appropriate sentence and a full statement attached hereto indicating in detail the circumstances which prevent the making of the statement in its original form, including the names of the persons authorizing the particular handling of classified matter.)

4. I shall report without delay to the appropriate military security agency, or the Federal Bureau of Investigation, or the Director of Security Services, Office of the Secretary of Defense, any incident wherein any attempt is made by any unauthorized person to solicit classified defense information.

5. I, ———, have read and am familiar with the penal provisions of the Espionage Laws, Title 18, USC, Section 793 and 794. I understand that one who unlawfully divulges information affecting the national defense is subject to severe criminal penalties and that the making of a false statement herein may be punished as a felony under Title 18, USC, Section 1001. With this understanding, I state that the information I have given is, to the best of my knowledge and belief, correct and complete, and it will be used by the Government in carrying out its duty to protect the security of information which affects national defense of the United States.

6. I (have) (have not) been orally debriefed in regard to my continuing responsibility not to disclose classified defense information.

In witness whereof I have set my hand this — day of —, 19 —.

Witness ———.

Written Signature.

Printed Name.

f. Protect from unauthorized disclosure properly classified information and intelligence bearing upon important aspects of national defense and foreign policy; and

g. Provide guidance concerning corrective or disciplinary action in unusually important cases involving unauthorized disclosure.

3. ORGANIZATION

In addition to the Chairman, the Council will be composed of the Director of the Bureau of Intelligence and Research, the Director of the Planning and Coordination Staff, the Assistant Secretary for Public Affairs, the Assistant Secretary for Congressional Relations, the Executive Secretary of the Department, and the Deputy Assistant Secretary for Security.

4. MANUAL CODIFICATION

This circular will be canceled in 6 months or upon codification in volume 1 of the Foreign Affairs Manual.

(M/MS)

(NOTE: Number of last circular issued: FAMC–580.)

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EXCERPT FROM ESPIONAGE ACT (TITLE 18, UNITED STATES CODE)

SECTION 793 GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION

(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory, or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in the time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter; or

(d) 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; or

(e) 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; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer.

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons

do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

SECTION 794. GATHERING OR DELIVERING DEFENSE INFORMATION TO AID GOVERNMENT

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

(b) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

(c) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

SECTION 1001. STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency, of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device, a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Question 13: With regard to the distribution of classified documents and information to foreign governments, what are the regulations governing this distribution?

Answer: Disclosures of classified information by DoD to foreign governments or international organizations are controlled basically by the National Disclosure Policy, other national policies announced from time to time, the Atomic Energy Act of 1954, as amended, and the Mutual Security Act of 1954, as amended, and the implementing DoD regulations. The basic DoD regulations are DoD Directives 5030.14, 5030.28 and 5230.11. (Copies of the Directive are attached.)

Question: What specific kinds of documents are exchanged?

Answer: Subject always to compliance with statute, announced national policy, National Disclosure Policy, and applicable DoD regulations, the subject matter of disclosures may be and is varied. This may include, for example, information on the organization, training and employment of military forces; technical documents on military materiel and munitions, including their production and development, and military intelligence.

Question: What volume of documents is exchanged?

Answer: Reliable volume estimates are not available.

Question 14: What is the cost of administering the classification program in the Department of Defense including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

Answer: The Department of Defense does not separately identify costs for many of its security functions to the extent of this inquiry.

On August 13, 1971, the General Accounting Office, based on a Congressional inquiry, requested FY 70 cost data on certain security functions carried out by the Department. In response to this GAO inquiry, the following cost estimates, based on a partial survey of DoD components, were developed:

| Function: | *Estimated fiscal year 1970 cost* |
|---|---|
| Classification and security policy | $4,700,000 |
| Classifying, regarding, and declassifying operations | 1,993,000 |
| Transmission of classified documents | [1] 15,781,000 |
| Safeguarding of classified documents | [2] 6,845,000 |
| Personnel security investigations for DoD and Defense contractor personnel | 58,155,000 |
| Classification and security training and indoctrination | 1,253,000 |
| Total | 88,727,000 |

[1] Includes estimated cost of distribution procedures but not those associated with encoding and decoding.

[2] Includes estimated cost of storage but does not include estimated cost of construction facilities.

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RESPONSES REGARDING SECURITY CLASSIFICATION PROCEDURES

Question 1: What are the statutes, executive orders and administrative regulations upon which the security classification procedures of the Department of State are based? (Please furnish copies of each.)

Answer: Executive Order 10501 of November 5, 1953, as amended, provides for the safeguarding of official information which requires protection in the interest of national defense. A copy of the Executive Order is attached as Tab B-1. The Department of State's implementation of this Executive Order is contained in the Foreign Affairs Manual, Volume 5, Section 900—Security Regulations (Tab B-2). The Department is also guided by applicable sections of Titles 18 and 14 of the U.S. Code. Additionally, the Department ensures that its security regulations are in conformity with the Freedom of Information Act (5 USC 552).

Question 2: What are the various categories of security classification used within the Department of State, what is the definition of each and what are the criteria which are applied in determining the classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

Answer: The categories of security classifications, as enumerated in Executive Order 10501, currently in use within the Department of State are:

Top Secret
Secret
Confidential

Top secret: Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

Secret: Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to the national defense, or information revealing important intelligence operations.

Confidential: Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized dislosure of which could be prejudicial to the defense interests of the nation.

In addition to the foregoing security classifications, the Department also utilizes the administrative control designation, Limited Official Use. This term is used to identify non-classified information which requires physical protection comparable to that given Confidential material in order to safeguard it from unauthorized access. Matters typically handled in this manner include information received through privileged sources, certain personnel, medical, investigative, commercial and financial records and specific reference to the contents of diplomatic pouches.

Question 3: What categories of personnel in the Department of State are authorized to assign security classifications to information or documents? How many such individuals are there in each of the categories of security classification cited? By what process do individuals in the Department of State become authorized to assign classifications? What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given instances?

Answer: (a) Section 913 of 5 FAM 900 enumerates the categories of personnel authorized to "assign" security classifications to documents. Briefly, any employee of the Department of State originating classified material has the initial responsibility for assigning the classification. The document, its content and its classification, becomes final, however, only when approved and signed by a certifying officer.

(b) The authority to certify the classification Top Secret is limited to the principal officer or his designee at each overseas post and to office directors or higher officials within the United States. Of 13,341 employees serving in the United States and abroad, approximately 800 or 6% are authorized to certify the classification Top Secret. Officials authorized to certify the classification Secret include the principal officer or his designee at each over-

seas post and division chiefs or higher officials within the United States. Approximately 1,750 or 13% of all employees may certify the classification Secret. Officials authorized to certify the classification Confidential and Limited Official Use are those designated by the principal officer overseas and branch chiefs or higher officers within the United States. Approximately 5,435 or 41% of all employees are authorized to certify the classifications Confidential and Limited Official Use.

(c) The authority to approve or certify classifications, generally, is a power inherent in the position and goes hand in hand with the authority to approve the total content of the document. As noted above, higher levels of responsibility are required for approval of the higher levels of security classification.

(d) As a normal supervisory function and in accord with Section 913.1 of the Department's Security Regulations, any intermediate or final approving officer, in approving the content of the document, must also thereby attest to the appropriateness of the classification and, of course, may change it.

Question 4: How many individuals, including both full and part time employees and contractural and consultant personnel, associated with the Department of State are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

Answer: As of September 30, 1971, the Department had 12,692 full time employees cleared for access to Top Secret information on a need-to-know basis. There were 206 part-time employees and 81 people on contract, all similarly cleared. In addition, there were 233 temporary employees, not cleared for access to classified information, who were assigned to non-sensitive positions in the Regional Passport Offices and in the several dispatch Agencies. As of June 30, 1971, there were 237 consultants cleared for access to Top Secret information, again on a need-to-know basis.

Question 5: How many documents in each category of security c'assification were originated in the Department of State last year?

Answer: There seems to be no practical way to acquire accurate figures on the number of documents originated in the Department of State, much less to break them down by security classification. The volume of documents handled (see below) and the variety of both forms and routing of documents are not conducive to a centralized accountability system.

Using a sampling technique involving counting the traffic processed on a recent "typical day," the Department's Communication Center calculates that it is processing classified telegrams at a current annual rate of just over 218,000 messages. This includes incoming as well as outgoing and the vast majority are of Departmental or Foreign Service origin. Copies, of course, will depend on the nature of the message but distribution has been averaging 79 copies of each telegram for a total annual paper flow of just over 17,000,000 copies.

During Fiscal Year 1971 the Department and Foreign Service originated 65,725 airgrams, the principal non-telegraphic medium of communication between Washington and the field. Again, using a sampling technique, we calculate that approximately twenty-five percent of these were classified or administratively controlled, with one-half of one percent of the total in the Top Secret category, five percent in the Secret and twenty percent Confidential and Limited Official Use. We believe that these proportions are also fairly representative of the telegraphic traffic and the other, less formal means of communications—memoranda, letters, etc.

During Fiscal Year 1971 the Department's Bureau of Intelligence and Research published about 1,000 documents, approximately eighty-five percent of which were classified or administratively controlled.

Question 6: How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of State last year (either calendar or fiscal)? What was the average distribution of messages in each category?

Answer: In addition to the data given in the answer to question 5, the Department of State also receives and distributes documents from other agencies. During Fiscal Year 1971, the Department handled approximately 670,000 separate documents from these agencies. The number of copies of each document varied from only one or two copies each to a hundred or more of certain classified publications. Including copies, nearly four and one-half million such items were processed during FY-71. While figures are kept to reflect the agencies originating these documents, as well as the general types of material, there is no data on the levels of classification involved.

The total amount of classified documents, both State and other agency, processed by the Department in FY-71 totaled over 900,000 separate publications. Based on the average number of copies for each type of document, the Department distributed approximately 24,000,000 items during this period, most of them classified.

Question 7: In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of State as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of State last year (either calendar or fiscal) bore such indicators?

Answer: In addition to security classifications, the Department of State utilizes three special indicators to control distribution of particularly sensitive documentation. These indicators, in ascending order of importance (i.e., indicating increasing sensitivity) are LIMDIS, EXDIS and NODIS. The authority for use of these indicators is in the regulations of the Department of State (Foreign Affairs Manual, Vol. 5, Section 212.2). In Washington the office of the Executive Secretary in the Department is responsible for approving use of EXDIS and NODIS and with determining the distribution of such documentation. LIMDIS may be assigned in the Department of State by any officer otherwise authorized to approve official communications. At Foreign Service posts abroad the assignment of all three special indicators is done by authority of the Chief of Mission. However, the Office of Executive Secretary in the Department, as prescribed by regulation, also retains authority to assign these special indicators or remove them from messages emanating from abroad if the use is judged to be required or unwarranted. In FY-71 the Department of State originated approximately the following number of documents in each of the limited categories:

LIMDIS, 10,700.
EXDIS, 11,700.
NODIS, 4,800.

Also, other than the above indicators, documents originated by the Department of State containing intelligence information may carry markings which control the dissemination and use of such information as regulated by the United States Intelligence Board.

Question 8: What are the various categories of clearances, other than security clearances, held by personnel of the Department of State? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?

Answer: There are certain clearances which represent not so much recognition of the individual's integrity and discretion as a formal acknowledgement of his general need-to-know with respect to certain types of highly sensitive information. The process of granting such clearances usually includes verification of the basic security clearance and special briefings. The special clearance, while recognizing the employee's assignment to duties which might require knowledge of the pertinent information, does not grant unrestricted access to it. The need-to-know concept is still applied strictly and the special clearance lapses when the employee's assignment changes. Among these special clearances are those authorizing access to NATO, CENTO and SEATO Top Secret information and to cryptographic materials. There is also the "Q" clearance relating to Atomic Energy Commission matters. At present 480 Departmental or Foreign Service employees hold NATO Cosmic clearances, 207 CENTO clearances and 128, SEATO. There are 2,128 current cryptographic or communications security clearances and 1,095 "Q" clearances. All of these clearances are granted under special procedures by the Department itself, with the exception of the "Q" clearances which are controlled by the AEC.

In addition, there are various categories of clearances for sensitive compartmented intelligence all of which are controlled by the Director of Central Intelligence or the Department of Defense. The number of Department of State personnel holding one or more of these intelligence clearances varies considerably because of application of the need-to-know principle. There are presently some 1,700 Department personnel including administrative and intelligence personnel in Washington and abroad holding compartmented intelligence clearances.

Question 9: How is the principle of "need to know" applied? Who is authorized to determine "need to know?"

Answer: Section 940 of the Department Security Regulations stipulates that classified or administratively controlled information may be given only to those persons who are properly authorized and who also require the information to perform their official duties. A person is not entitled to receive classified or administratively controlled information solely by virtue of his official position or by virtue of having been granted a security clearance. As a practical matter, determination of the "need to know" is a supervisory responsibility exercised to a large extent on a document-by-document basis.

All new employees are provided security briefings in which the principles of classification and the "need to know" doctrine are fully explained. Educational material and periodic re-briefings are also provided employees to clarify policies on classification and the "need to know" doctrine.

Question 10: In connection with the assignment of security classifications within the Department of State, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.

Answer: Section 966 of the Department's Security Regulations implements the various provisions of Executive Order 10964, which provides for an automatic declassification and downgrading system. A copy of the Executive Order is attached as Tab B-3. The

Department's internal security inspection procedures include checks on the compliance with these requirements.

Question 11: Describe the procedures currently in effect within the Department of State for the systematic review of classified documents for purposes of downgrading, including declassification. Is the Department of State current on such reviews? How many documents were declassified by the Department of State last year?

Answer: The record of United States foreign policy and diplomacy has been published annually since 1861 in the series Foreign Relations of the United States. This series includes all major subjects and the most important documents. The declassification of documents for publication in Foreign Relations goes on constantly within the Department of State. The two Foreign Relations volumes published in the Fiscal Year 1971 contain about 1,000 declassified documents. The seven volumes published so far for the year 1946 contain about 3,000 declassified documents, including many from the White House and the military departments. With the exception of certain specially privileged categories of records (personnel, cryptographic, intelligence methods, etc.), we open all files to the public after thirty years, and are presently planning to advance that through World War II—i.e., to open all our records (with the same exceptions) through 1945, as of January 1, next year, with the assistance and cooperation of the National Archives.

With the institution of the automatic downgrading procedure several years ago, a practice which requires the originator of a classified document to indicate, if possible, and in terms of pre-established time frames, when the document can be downgraded or declassified, downgrading and declassification in the future, to a substantial degree, will be an automatic process not requiring any individual or specific effort. The procedure is currently under review to determine whether declassification might be expedited further, for example, by shortening the pre-set time frames or by reducing the types of documents currently exempted from the process.

At present time, the most significant efforts to downgrade classified material, other than those mentioned above, are made in conjunction with the annual inventory of Top Secret materials. Documents are reviewed at that time by responsible officials and, where appropriate, are downgraded or, less often, declassified.

Question 12: Are present and former employees of the Department of State required to submit books, manuscripts, articles, etc., which they may write based on their official experiences, for official review prior to publication? Describe the procedures involved?

Answer: Present employees of the Department of State, including the Foreign Service, are required to submit for review the manuscripts of all proposed publications and speeches on subjects of interest to the Department, i.e., within the purview of the Department's responsibility. This review is conducted by the Bureau of Public Affairs (Office of Policy and Plans), in conjunction with other Bureaus as appropriate to the subject matter of the submitted manscript.

Former employees of the Department of State are under no general obligation to submit any manuscripts to the Department for review, though they are requested to do so when they are in doubt as to whether classified information may be involved. Former employees who occupied senior positions in the Department may be permitted, upon request, to refresh their memories by reviewing the documents that related to their activities in the Department. In such cases the Department gives either the notes or the manuscript a security review prior to publication.

Question 13: With regard to the distribution of classified documents, and information to foreign governments, what are the regulations governing this distribution, what specific kinds of documents are exchanged and what volume of documents is exchanged?

Answer: The regulation governing the release of classified information to foreign governments is set forth in Volume 11, Section 500 of our Foreign Affairs Manual. The specific regulations are based upon a Directive from the President dated September 23, 1958. Both the Directive and the implementing regulations are classified. Documents which might be provided to foreign governments under this policy would include classified factual information, factual studies, and views and conclusions of the United States on various current issues of common concern to this government and other governments involved in the exchange and are provided in order to secure a net advantage to the interests of the United States. There is no current procedure for providing us with an estimate of the volume of documents involved.

Question 14: What is the cost of administering the classification program in the Department of State including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

Answer: The Department has recently conducted an audit of the costs involved in the protection of sensitive information. This study was made for the General Accounting Office, which, in turn, had been asked for the data by Congressman Moorehead. The study is not yet complete and, further, will be subject to GAO review, but the figures presently available indicate that the total annual cost of administering the classification program is approximately $18,000,000 per annum. This total includes costs for some services, mainly in the communications area, which the Department would bear even if there were no classified materials to be handled and, thus, represents a maximum estimate subject to downward revision.

Attachments:

B–1—Executive Order 10501.

B–2—5 FAM 900 (Security Regulations).

B–3—Executive Order 10964.

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NOVEMBER 17, 1971.

Hon. WILLIAM P. ROGERS,
*Secretary of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: For some time some of us have felt that policies regarding the classification and handling of information relating to the national security were in need of review.

As was pointed out in the Final Report of the Subcommittee on United States Security Agreements and Commitments Abroad, dated December 21, 1970, the manner in which security classification procedures are implemented has a direct bearing on the ability of the public and the Congress to judge the activities of our Government and to participate responsibility in that Government.

Because we are concerned over what appear to be increasingly restrictive information practices within the Executive Branch, we would like to establish certain basic facts relating to security classification procedures; and to that end are attached various questions and requests designed to elicit such facts.

We would appreciate receiving your answers to them as soon as convenient.

Sincerely,

STUART SYMINGTON,
*Chairman, Subcommittee on United States Security Agreements and Commitments Abroad.*

QUESTIONS REGARDING SECURITY CLASSIFICATION PROCEDURES

1. What are the statutes, executive orders and administrative regulations upon which the security classification procedures of the Department of State are based? (Please furnish copies of each).

2. What are the various categories of security classification used within the Department of State, what is the definition of each, and what are the criteria which are applied in determining the classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

3. What categories of personnel in the Department of State are authorized to assign security classifications to information or documents? How many such individuals are there in each of the categories of security classification cited? By what process do individuals in the Department or State become authorized to assign classifications? What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given instances?

4. How many individuals, including both full and part time employees and contractual and consultant personnel, associated with the Department of State are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

5. How many documents in each category of security classification were originated in the Department of State last year?

6. How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of State last year (either calendar or fiscal)? What was the average distribution of messages in each category?

7. In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of State as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of State last year (either calendar or fiscal) bore such indicators?

8. What are the various categories of clearances, other than security clearances, held by personnel of the Department of State? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?

9. How is the principle of "need to know" applied? Who is authorized to determine "need to know?"

10. In connection with the assignment of security classifications within the Department of State, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.

11. Describe the procedures currently in effect within the Department of State for the systematic review of classified documents for purposes of downgrading, including declassification. Is the Department of State current on such reviews? How many documents were declassified by the Department of State last year?

12. Are present and former employees of the Department of State required to submit books, manuscripts, articles, etc., which they may write based on their official experiences, for official review prior to publication? Describe the procedures involved?

13. With regard to the distribution of classified documents, and information to foreign governments, what are the regulations governing this distribution, what specific kinds of documents are exchanged and what volume of documents is exchanged?

14. What is the cost of administering the classification program in the Department of State including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

FOREIGN AFFAIRS MANUAL CIRCULAR

Subject: Establishment of the Council on Classification Policy.

No. 581.

July 26, 1971.

1. PURPOSE

By direction of the Secretary, there is established a Council on Classification Policy. The Deputy Under Secretary for Management will serve as Chairman of the Council.

2. RESPONSIBILITIES

The Council is responsible for the promulgation and enforcement of policies and procedures covering the classification, downgrading, declassification, and release of documents and information.

Specifically, the Council will:

a. Establish and monitor policies and procedures within the Department to prevent overclassification, to ensure the orderly and effective downgrading and declassification of State Department documents, and to facilitate the release of information;

b. Serve as a forum for systematic review of proposed classified disclosures of an exceptional nature bearing upon issues of concern to the Congress and the public;

c. Establish policies and procedures to assess the risks to intelligence sources and methods whenever any classified intelligence is proposed for declassification or for use in public forums, or other activities in the course of which there is danger that intelligence sources and methods might be revealed;

d. Determine, as required, the net advantage to the United States of a disclosure of classified information related to U.S. foreign policy objectives as against attendant risks;

e. Consider and decide such other questions concerning classification and declassification as may from time to time be referred to the Council;

## JOSIP BROZ: REBEL IN THE REVOLUTION

Mr. FULBRIGHT. Mr. President, on May 25, the President of Yugoslavia celebrated his 80th birthday. Mr. C. L. Sulzberger wrote a very short but significant description of the role that Mr. Josip Broz—commonly known as Mr. Tito—has played in the history of his country, entitled "Josip Broz: Rebel in the Revolution."

The experience of Marshal Tito as a great nationalist leader of his country goes back, of course, many years, and many of us are quite familiar with it.

I ask unanimous consent that this short article by Mr. C. L. Sulzberger be printed in the RECORD, as a tribute to the accomplishments of a very remarkable leader of Yugoslavia.

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

JOSIP BROZ: REBEL IN THE REVOLUTION

(By C. L. Sulzberger)

BRIONNE, FRANCE.—Few people have had the opportunity to participate in destroying three empires, an opportunity handed by fate to Marshal Tito of Yugoslavia who became eighty years old today (Thursday, May 25).

Now a heavy, slow-moving man of surprising vigor, with the acquired Churchillian habit of Scotch highballs and cigars, it is hard to remember in this grandfatherly figure the lean conspirator and guerrilla genius of the past.

As Josip Broz (Tito is his Communist *nom de guerre*) he was a poor peasant from a Catholic family in Croatia, then a province of the Austro-Hungarian Empire. His most audacious youthful experience was a brief term as test driver for the old Daimler-Benz automobile concern. He was drafted into Vienna's Army during World War I, wounded on the Russian front, taken prisoner and converted to Communism. In that capacity he played a minor role in ousting the old regime.

In the late 1930's he was dispatched by Moscow to organize the Yugoslav underground party and, at its helm, he led the most famous guerrilla movement against Hitler. His partisans smashed the Nazi empire's southeastern corner and, largely unaided by the great power allies, created a dynamic new state.

At that time Tito was regarded as Stalin's most loyal ally in East Europe. However, in 1948, when the Soviet dictator tried to put his nose in Yugoslav affairs, the stubborn Marshal led his countrymen into furious opposition. He stared down the Russians and their satellites and, without ever abandoning his Communist creed, insisted on its independent interpretation.

This action, in every sense as important as the battle against Hitler, changed the entire Soviet system. It wrecked the dream of a Kremlin-managed monolith. The seed of what came to be called "Titoism" sprouted in every Marxist-governed land. Indeed, Moscow's troubles in East Germany, Poland, Hungary, Czechoslovakia and Rumania can all be traced in one or another way to the original Titoist infection.

His has been an exceptional opportunity and he has made the most of it. Certainly his feats as a partisan during World War II became as famous as those of the contemporary General Giap in Indochina, yet Tito received little material support from abroad. And the military wound he inflicted on Hitler was even less profoundly dangerous than the political wound he inflicted on Stalin.

It has been my good fortune to know Tito more than twenty-seven years and talk with him many times at length. During this period he has, as would be expected, varied his views on a great many matters, both external and internal, which then seemed important but which have since faded into time.

He shifted from a position of strict fidelity to the Soviet-sponsored Warsaw-alliance to one of non-alignment in which he has taken a lead together with Cairo and New Delhi. He shifted from stern advocacy of rigid and enforced collectivization of farms to a tolerance which sees most agriculture privately managed. And he shifted from a system of political and industrial centralization to flexible local direction of both administration and production.

But on two quintessential points he has never changed. From the time of his conversion in a Russian prisoner-of-war camp until the present, through personal and national vicissitudes, he has remained a devout Communist, hewing to his own concepts of what Marxism-Leninism means and seeks.

And he has remained a Yugoslav nationalist seeking to weld into one state the south Slavic peoples so often pitted against each other in the past.

He told me in 1968: "We still use Marxism as our main inspiration. Marxism remains a dogma but we apply it to our own special needs. . . . Marxism must be applied according to the conditions prevailing in any country; and these differ everywhere. . . .

"I call this democratization, not Titoism. People in other countries are trying to democratize and liberalize situations that had previously been stagnant. . . . It does not mean that they will follow the same path as we have pursued in Yugoslavia.

"But practice in the past has shown that changes are necessary. We are dialecticians and we know that what is good today or necessary today becomes neither as good nor necessary tomorrow."

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## FOURTH ANNIVERSARY OF THE DEATH OF ROBERT F. KENNEDY

Mr. MANSFIELD. Mr. President, it is never easy to note past losses suffered by this Nation. Today does mark, however, the anniversary of one such loss—and few have been suffered more grievously and felt more deeply by a Nation.

In Arlington National Cemetery, on a grassy knoll a few yards from where his fallen brother lies buried a white cross, small and plain, marks the gravesite of Robert Francis Kennedy, late a Senator of the United States.

His passing 4 years ago today left a void in this Nation's life that has gone unfulfilled in all the years since. What we have missed has included the idealism of the man, coupled with his deep sense of humility.

Robert Kennedy's life was cut short by an assassin's bullet as was his brother's before him. But his legacy to us will remain as a monument. He brought to public life a youthful vigor and fresh perspective that has left an indelible mark. His violent death 4 years ago was an enormous loss.

It remains so today.

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I am authorized by the distinguished majority leader to propose the following unanimous consent requests. They have been cleared with the principal Senators in-

volved in each case and with the other side of the aisle.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such times as the following measures are called up before the Senate, the following time agreements govern.

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

LIMITATION OF TIME ON H.R. 9092—PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the government, and for other purposes, there be a time limitation of 2 hours, the time to be equally divided between and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG).

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

RECISION OF ORDER FIXING TIME LIMITATION ON H.R. 9092, PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unanimous-consent request just entered into be vacated.

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

ORDER FOR TIME LIMITATION ON APPROPRIATIONS FOR HUD APPROPRIATION BILL, H.R. 15093

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 15093, the HUD appropriation bill, is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the able senior Senator from Rhode Island (Mr. PASTORE) and the able senior Senator from North Dakota (Mr. YOUNG); that the time on any amendment thereto in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal related thereto be limited to one-half hour, the time to be equally divided between the mover of such and the manager of the bill.

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

ORDER FOR TIME LIMITATION ON APPROPRIATION BILL FOR DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, H.R. 14989

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 14989—an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies—is called up and made the pending business before the Senate, there be a limitation of time thereon of 4 hours, the time to be equally divided between the able junior Senator from South Carolina (Mr. HOLLINGS) and the able senior Senator from Maine (Mrs. SMITH); that the time on any amendment in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal related thereto be limited to one-half hour, the time to be equally divided between the mover of such and the manager of the bill.

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

ORDER FOR TIME LIMITATION ON STOCKBRIDGE-MUNSEE COMMUNITY BILL, S. 722

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 722—a bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community—is called up before the Senate and made the pending business, there be a time limitation thereon of 1 hour, the time to be equally divided between the able junior Senator from Washington (Mr. JACKSON) and the distinguished senior Senator from Colorado (Mr. ALLOTT); and that the time on any amendment, debatable motion, or appeal related thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the manager of the bill, the Senator from Washington (Mr. JACKSON).

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

ORDER FOR LIMITATION OF TIME ON FLAMMABLE FABRICS ACT AUTHORIZATIONS, H.R. 5066

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 5066, an act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act, is called up before the Senate and made the pending business, there be a time limitation of 2 hours thereon, the time to be equally divided between the able senior Senator from Washington (Mr. MAGNUSON) and the able senior Senator from New Hampshire (Mr. COTTON); that the time on any amendment in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between and controlled by the mover of such and the manager of the bill, the Senator from Washington (Mr. MAGNUSON).

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to all of the measures that have just been mentioned, that the time in opposition to an amendment, debatable motion, or appeal, in the event such is supported by the manager of the bill, be under the control of the distinguished Republican leader or his designee.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to all of the measures that have just been mentioned, the Senators in control of the time on the respective bills may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to those measures, other than appropriations measures, nongermane amendments not be in order.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader and all Senators.

THE SENATE MOVES AGAIN

Mr. SCOTT. Mr. President, I congratulate the distinguished assistant majority leader for his usual diligence and careful attention to his responsibilities which have led to this series of unanimous-consent agreements. After we vote on the Kleindienst confirmation and on the Shultz confirmation on Thursday, the Senate will be back on the track again after having had to endure what I consider to be quite an unnecessary delay in an attempt to build up a case against a very able, effective, and honorable man. The Acting Attorney General has been unable to assume full control of the Department, with all of the necessary adjustments that involve the assumption of responsibility, because his nomination has been held in limbo for reasons, many of which are political, some of which are logical, others of which are irrational, and some of which are puerile.

As a matter of fact, I would like to clear up one point right now, and that is with respect to the argument which is made that the confirmation should be recommitted to the Senate Judiciary Committee, which has twice assumed jurisdiction over it. Like the legendary turtle, which having once seized upon another animal is reported to never let go until it thunders, those who have been holding up this nomination would again keep it for an indefinite period of time and would again imagine the necessity for their calling on unnecessary, remote, and irrelevant witnesses and would not let it go until the Judiciary

Committee and the Senate thundered at them.

That is what this is, a tactic to get it back for a third time. These hearings were pursued ad infinitum, ad nauseam, and I sometimes wonder if some of the arguments that were used were not ad baculum. They were certainly ad hominem and, if ad hominem, without logic or relevance.

The thing to do is for the Senate to act so that it can get on with the Senate's business.

We have held up all sorts of measures that Senators have urged as being of the utmost importance to the people of this country. Yet, by their Fabian tactics, they have avoided confronting the needs of the people time and time again. Instead of posturing themselves and positioning themselves on the Kleindienst nomination, since they are getting no publicity, they could just as well have moved their oration down to the Kennedy Center where they could have gotten a greater audience through the press and the public.

The reason there is so little is that there is so little to this case. It should be perfectly clear that the Senate has long since made up its mind. The Senate is well aware of what is going on here. The Senate knows that this is an election year and that those who cannot get a voice in the press of California will find an opportunity to meet a Washington dateline.

I think it is unfortunate that the Senate has been delayed so long. It did not need to be. Obviously if the nomination were referred back to the Committee on the Judiciary we would have alleged exposes and alleged exposures; we would have a tremendous amount of excitement over nothing, during which period great discoveries would have been alleged to have been made. Junior archeologists on the environment would dig up dusty old bones and brush them off and assert that they had indeed found something of enormous interest to the people of this country, well knowing such discoveries probably are of as little interest to this hearing as the furor some years ago with the discovery of the skull of the Peking man. It turned out that he was not from Peking and he was not a man. That did not stop them then and it does not stop the junior archeologists now.

Let us get on with the business of the Senate. There is no need to send it back. There is no need for them to have their fingers to do the walking through the yellow pages while they run down everybody they think could possibly know somebody in some Department of Government whose name might catch a headline by virtue of some stray remarks he made in 1923.

Let the foolishness stop. Let us get on with the business of the Senate. That is what we can do Thursday.

I have not said much about this because I have not wanted to dignify the proceeding; and I have not said much about it because the outcome is well known. But before this nonsense begins again let us pray Senators will consider that the session is wearing on and wearing down the patience of the public.

I remember the opening line in Cicero where he said —

How far, Catiline, will you abuse our patience?

I do not think the patience of the people of this country should be abused by these side scurryings into empty caverns in search of nonexistent bones. I hope we will move on to the consideration of such things as housing, education, health, welfare, revenue sharing, agriculture, and all the things we so generously promised the people of this country at the beginning of this session.

The hour is late. The ides of July and August are approaching. The time of the healthy promise is near but the time of performance is long since past. So I think we ought to get back to business.

I yield back the remainder of my time.

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.

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## ORDER FOR ADJOURNMENT UNTIL 10 A.M.

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

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

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## ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY, JUNE 8, 1972, AT 10 A.M.

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

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

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## ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, JUNE 9, 1972 AT 10 A.M.

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

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

Mr. ROBERT C. BYRD. Mr. President, the latter two orders, of course, are subject to change with respect to the time for convening.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order the Senate will then proceed to the consideration of S. 3442, a bill to extend the authorization for grants for communicable disease control and vaccination assistance—on which there is a time limitation of 20 minutes. There will be a rollcall vote on S. 3442.

Upon the disposition of S. 3442 the Senate will proceed to the consideration of Senate Joint Resolution 206, relating to sudden infant death syndrome, on which there is a time limitation of 20 minutes. There will be a rollcall vote on Senate Joint Resolution 206.

Upon the disposition of these two measures the Senate will continue with the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

All of the aforesaid will be as in legislative session.

At the conclusion of the transaction of routine morning business, the Senate will resume, in executive session, the consideration of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States. In view of the fact that a time limitation agreement has been entered into with respect to the nomination, it is possible that during the afternoon tomorrow, if it is agreeable on all sides, other measures concerning which time agreements have been entered into may be called up, thus necessitating rollcall votes.

The nomination of Mr. Kleindienst will be acted upon on Thursday, the day after tomorrow.

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## ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:29 p.m., the Senate adjourned in executive session until tomorrow, Wednesday, June 7, 1972, at 10 a.m.

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## NOMINATIONS

Executive nominations received by the Senate June 6, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.